Supreme Court, U.S.
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NO

In The

Supreme Court of the United States

Linda-Ann: Heldt;
Special Appearance in propia persona
Petitioner
Co-petitioner United States

vs.

MICHIGAN, STATE OF MICHIGAN; GOVERNOR; JENNIFER GRANHOLM; MICHAEL A. COX, ATTORNEY GENERAL, Wendy L. Potts, Julie A. Nicholson, and The State Bar Of Michigan;
Respondents
UNITED STATES DEPARTMENT OF JUSTICE; ATTORNEY GENERAL OF THE UNITED STATES; JOHN ASHCROFT, United States Attorney General, The Supreme Court of the United States
Intervenors

State court; certiorari
ON PETITION FOR WRIT OF CERTIORARI IN ERROR TO The Michigan Supreme Court

PETITION FOR WRIT OF CERTIORARI IN ERROR

Linda-Ann: Heldt;
c/o 7706 Granite;
Washington-township; Michigan state; [48094]
Petitioner
1-(586) 781-3361

QUESTIONS PRESENTED

This is an action at law having Political Questions in Equity raising several question of controlling questions of law under several Acts of the Congress of the United States as the petitioner argues in his petition for Writ of Certiorari before this Supreme Court of the United States.

The first of these question is whether the trial judge Wendy L. Potts violated of Linda-Ann: Heldt;'s, Sixth Amendment right of assistance of counsel in the State of Michigan Sixth Judicial Circuit Court, criminal proceeding enforcing the "Specific-Policy" of **M.C.L. 600.901.** State bar; membership; public body corporate. **Sec. 901.** The state bar of Michigan is a public body corporate, the membership of which consists of all persons who are now and hereafter licensed to practice law in this state. The members of the state bar of Michigan are officers of the courts of this state, and have exclusive right to designate themselves as "attorneys and counselors," or "attorneys at law," or "lawyers." No person is authorized to practice law in this state unless he complies with the requirements of the supreme court with regard thereto. This decision of Wendy L. Potts is in conflict with the decisions of the Supreme Court of the United States, Stare decisis, not Res judicata? Second) Petitioner raises the question of standing under the doctrine of Article III standing that is a requirement

of bringing an Article III question of actual standing. The petitioner argues the fact of standing as a party of actual standing before this Article III court of the united States, actual violation of Article the eight of the Bill of Rights of the Sixth Amendment of the Constitution of the United States of America, of 1791, as amended? Third) Whether the Statutes of the State of Michigan particularly **M.C.L. § 257.311** or **M.C.L. 750. 479** apply to Linda-Ann: Heldt; when Linda-Ann: Heldt; is not personally mentioned in this Statutes of the State of Michigan lacking the seal of the United States, violation of treaty law of **28 U.S.C. 1738** as law of the United States? Fourth) Whether Linda-Ann: Heldt; was denied the right of a fair trial by the many errors of the trial Judge Wendy L. Potts? Five) Whether the Treaty of Ghent of 1814, and the Treaty with the Ottawa and Chippewa Nation of 1836 Act bars the sovereign United States for being a party in this cause of action? The petitioner says that the united States is a real party of action in this civil cause of action?

The court settled this argument in the cases cited by petitioner and the fact that the United States has the right to sue to protect the white settlers in Michigan and the same borders as the creation of the Congress of the United States of America the State of Michigan.

In spite of these violations of well established decisions of the Supreme Court of the United States, trial Judge Wendy L. Potts proceeded with the State of Michigan Criminal proceeding against Linda-Ann: Heldt;. The trial judges Wendy L. Potts and Julie A. Nicholson residing over the Preliminary

Examination, this being a critical stage of the State criminal proceeding and the trial proceeding conducted shocked Linda-Ann: Heldt;. Linda-Ann: Heldt; has waited patently for this Criminal State of Michigan cause of action to reach this Supreme Court of the United States. As such, this petition presents valuable question of law and equitable right of the petitioner that are of great concern for himself and other Natural Americans as Citizens of the United States, and therefore Linda-Ann: Heldt;, Petitioner request this court review this Petition for State court; certiorari and aid this Petitioner in answering the questions presented as the following issues:

I. Whether the trial judge Wendy L. Potts violated of Linda-Ann: Heldt;'s, Sixth Amendment right of assistance of counsel in the State of Michigan Sixth Judicial Circuit Court, criminal proceeding enforcing the "Specific-Policy" of M.C.L. 600.901. State bar; membership; public body corporate. Sec.901. The state bar of Michigan is a public body corporate, the membership of which consists of all persons who are now and hereafter licensed to practice law in this state. The members of the state bar of Michigan are officers of the courts of this state, and have exclusive right to designate themselves as "attorneys and counselors," or "attorneys at law," or "lawyers." No person is authorized to practice law in this state unless he complies with the requirements of the supreme court with regard thereto. This decision of Wendy L. Potts is in conflict with decisions of the Supreme Court of the United States, Stare

decisis, not Res judicata?

Petitioner says "Yes"

II. Petitioner raises the question of standing under the doctrine of Article III standing that is a requirement of bringing an Article III question of actual standing. The petitioner argues the fact of standing as a party of actual standing before this Article III court of the united States, actual violation of Article the eight of the Bill of Rights of the Sixth Amendment of the Constitution of the United States of America, of 1791, as amended?

Petitioner says "Yes"

III. Whether the Statutes of the State of Michigan particularly M.C.L. § 257.311 or M.C.L. 750. 479 apply to Linda-Ann: Heldt; when Linda-Ann: Heldt; is not personally mentioned in this Statutes of the State of Michigan lacking the seal of the United States, violation of treaty law of 28 U.S.C. 1738 as law of the United States?

Petitioner says "Yes"

IV. Whether Linda-Ann: Heldt; was denied the right of a fair trial by the many errors of the trial Judge Wendy L. Potts?

Petitioner says "Yes"

PARTIES TO THE PROCEEDINGS

Petitioner(s) and Co petitioner

This proceeding in the Supreme Court of the United States involves a Petition for Writ of Certiorari by Writ of Error to the State of Michigan Sixth Judicial Circuit for Oakland County No. 1999-166727-FH. The parties for the Petition for State Court; certiorari, pursuant **28 U.S.C. § 1257 (a)** - - - Final judgments or decrees redered by the highest court of a State the Michigan Supreme Court, which a decision could be had, may be reviewed by the Supreme Court of the United States by State court; certiorari where the validity of the Treaty of Ghent of 1814, and the Treaty with the Ottawa and Chippewa Nation of 1850 is drawn in question and where the validity of a statute of the **State of Michigan M.C.L. 600. 904 and M.C.L. 916** is drawn in question on ground of its being repugnant to the Constitution, treaties, or laws of the United States, in particular Article the third, Article the seventh and Article the eight of the Bill of Rights of the Congress of the United States, of the First, fifth and sixth amendment of the Constitution of the United States of America or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

The Petitioner is Linda-Ann: Heldt;, a Natural Citizen with her domicile in Michigan, state in the United States within the jurisdiction of this Supreme Court of the United States, in the district of Columbia, at the seat of government of the United States.

Linda-Ann: Heldt; private domicile is at c/o 7706 Granite, Washington-township, Michigan, state, in the United States [48094]. Petitioner Linda-Ann: Heldt; moves this court by special appearance, propia persona.

Co-petitioner. The sovereign United States. The Executive Office of the President of the United States is at 1600 Pennsylvania Avenue N.W. Washington, district of Columbia, 20500-1600

Under and by Rule 29 (4) the Solicitor General of the United States/The United States of America is named and served at the Department of Justice, 10th and Constitutional Ave. N.W. Washington in the city of Washington, in the district of Columbia the seat of the government of the United States.

Respondents

The Respondent The State of Michigan, is named because this State of Michigan criminal prosecution was taken in the name of the People of the State of Michigan. MICHIGAN, and/or THE STATE OF MICHIGAN has a

regular place of business at the ROMNEY BUILDING, 111 SOUTH CAPITAL AVENUE, LANSING, MICHIGAN. Michigan. The Respondent, JENNIFER M. GRANHOLM a.k.a. Jennifer M. Granholm, is the Governor of the de facto STATE OF MICHIGAN. THE STATE OF MICHIGAN, in the fiction, maintains a regular place of business at the ROMNEY BUILDING, 111 SOUTH CAPITAL AVENUE, LANSING, MICHIGAN.

Respondent, JENNIFER M. GRANHOLM a.k.a. Jennifer M. Granholm, is named because the statutes of the State of Michigan are drawn into question on the grounds of validity and repugnant to the Constitution of the United States as most particularly identified in this State court; certiorari cause of action.

The Respondent, MICHAEL A. COX a.k.a. Michael A. Cox, is the acting Michigan state, The State of Michigan Attorney General. MICHAEL A. COX a.k.a. Michael A. Cox is the Chief Prosecuting Attorney for Michigan state, The State of Michigan. Michael A. Cox has a regular place of business at the Law building, 525 Ottawa, Lansing, Michigan state/ State of Michigan.

The Respondent, MICHAEL A. COX a.k.a. Michael A. Cox, is the acting Michigan state, The State of Michigan as Attorney General, is named because the statutes of the State of

Michigan are drawn into question on the grounds of validity and repugnant to the Constitution of the United States as most particularly identified in this State court; certiorari cause of action.

The Respondent, Wendy L. Potts, is named as a respondent in the State court; certiorari because, WENDY L. POTTS a.k.a Wendy L. Potts is the trial Judge in the State of Michigan criminal prosecution in the name of the People of the State of Michigan, In The State of Michigan Sixth-Judicial-Circuit Court for the County of Oakland, in Michigan state, in the United States. The Petitioner, Linda-Ann: Heldt; has drawn into several question of equity and law in this State court; certiorari challenging the decisions of Judge WENDY L. POTTS a.k.a. Wendy L. Potts as the trial judge and under the due-process and equal protection of the law. Wendy L. Potts has as a matter of Right to defend her actions personally taken under her official capacity as Circuit Court Judge in the Sixth Circuit Court for the County of Oakland and is given an opportunity of defending her actions in this cause of action before the Supreme Court of the United States.

The Respondent, Wendy L. Potts, a.k.a. WENDY L. POTTS, Licensed Attorney, Circuit Judge has a regular place of Business at the State of Michigan Sixth Judicial Circuit Court for the County of Oakland, 1200 Telegraph Road,

Pontica, Michigan 48341.

Respondent, Julie A. Nicholson, is named as a respondent in the State court; certiorari because, JULIE A. NICHOLSON a..k.a Julie A. Nicholson is the residing trial Judge in the State of Michigan criminal prosecution in the Name of the People of the State of Michigan, In The State of Michigan 52-3 District Court, in the County of Oakland, in Michigan state, in the United States. The Petitioner, Linda-Ann: Heldt; has drawn into several question of equity and law in this State court; certiorari challenging the decisions of Judge JULIE A. NICHOLSON a..k.a Julie A. Nicholson as the trial judge in the Preliminary Examination in the State of Michigan 52-3 District Court, Under the due-process and equal protection of the law. Julie A. Nicholson has as a matter of Right to defend her actions personally taken under her official capacity as District Court Judge in the 52-3 District Court in the County of Oakland and is given an opportunity of defending her actions in this cause of action before the Supreme Court of the United States. Judge, JULIE A. NICHOLSON a..k.a Julie A. Nicholson has a regular place of business at the State of Michigan 52-3 District Court, at 135 Barclay Circle, Rochester Hills, Michigan 48307.

Respondent, The State Bar of Michigan is a public body of the foreign State of Michigan and is the licencing agency for

attorneys in the State of Michigan.

The State Bar of Michigan has a regular place of business at the MICHAEL FRANCK BUILDING, 306 TOWNSEND STREET, Lansing, Michigan. 58933-2083

The State Bar of Michigan is name because two State of the **State of Michigan, M.C.L. 600.904 and M.C.L. 916** are drawn into question as being in violation of Linda-Ann: Heldt's constitutional right pursuant Articl the third, Article the seventh and Article the eight of the Bill of Rights of the Congress of the United States.

This enforcement of the "Specific-Policy" of the State Bar of Michigan enforced by Licensed Judges of the State of Michigan by Julie A. Nicholson and Wendy L. Potts, may subject both to a 13th Amendment violation of the Laws of the Territory of Michigan, that may subject Julie A. Nicholson and Wendy L. Potts as Licensed Attorneys of a foreign State to suspension of their united states citizenship in the Court of Appeals of District of Columbia constitutional courts of the United States of the United States Court of Appeals District of Columbia circuit. The foreign State and foreign State has no immunity. See **28 U.S.C. §88.**

Pursuant **28 U.S.C. § 454**, Julie A. Nicholson and Wendy L. Potts may have practiced law as Judges who engages in the practice of law is guilty of a high misdemeanor.

See Article I, § 9, clause 8 - - - Titles of nobility - - - Presents from foreign states.

Pursuant - - - **the Supremacy Clause - - - Article VI, Clause 2. Supreme law. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of Any State to the Contrary notwithstanding. See Reagan vs. United States, 182 U.S. 419 (1901).**

The authority to act is by and through their act of office to uphold the Constitution of the United States and the Constitution of this State..

Intervenor, United States Department of Justice, is located at Tenth Street and Constitutional Avenue Northwest, Washington, District of Columbia.

Intervenor, United States Department of Justice, is named because the statutes of the State of Michigan are drawn into question on the grounds of validity and repugnant to the Constitution of the United States as most particularly identified in this State court; certiorari cause of action, lacking the seal of the United States as laws of the United States.

Intervenor, United States Attorney General, JOHN

ASHCROFT, a.k.a. John Ashcroft, Chief prosecuting Attorney General for the United States of America, is named because the statutes of the State of Michigan are drawn into question on the grounds of validity and repugnant to the Constitution of the United States as most particularly identified in this State court: certiorari cause of action, lacking the seal of the United States as laws of the United States.

Intervenor, The Supreme Court of the United States pursuant to Article III§ II of the Constitution for the United States in name as intervenor. The Supreme Court of the United States, because of the actual and factual violations of the Bill of Rights of Article the first, of the Article the seventh and of the Article the eight.

The court in **[Smith v. Phillips, 455 U.S. 209, 221 (1982)]** ("Federal courts hold no supervisory authority over state judicial proceedings and may intervene only to correct wrongs of constitutional dimension"); **[Cicenia v. Lagay, 357 U.S. 504, 508-509 (1958)]**. With respect to proceedings in state courts, our "authority is limited to enforcing the commands of the United States Constitution." **[Mu'Min v. Virginia, 500 U.S. 415, 422 (1991). See also Harris v. Rivera, 454 U.S. 339, 344-345 (1981)]** (per curiam) (stating that "[f]ederal judges may not require the observance **[530 U.S. 439]** of any special procedures" in state courts "except when

necessary to assure compliance with the dictates of the Federal Constitution").

Linda-Ann: Heldt, petitioner, requests the Supreme Court of the United States intervene in this State court: certiorari and correct the violations of the Bill of Rights in the particulars as mention.

Whereas **"that being the case"** the Respondents, Julie A. Nicholson and Wendy L. Potts may be in violation of the **Twenty-Fourth Congress. Sess. I. Ch. CCXXXIV**. - An Act to provide for the due execution of the laws of the United States within the State of Michigan (a) - - - **Statute I. July 1, 1836** - - - Laws of the United States in force. - - - Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled, That the laws of the United States which are not locally in applicable, shall have the same force and effect within the State of Michigan, as elsewhere within the United States.

Under and by Rule 29 (4) the Solicitor General of the United States of America is named and served as the Department of Justice, 10th and Constitutional Ave. N.W. Washington in the city of Washington, in the district of Columbia the seat of the government of the United States.

The Solicitor General of the United States of America is named, because several Act of the Congress of the United

States/The United States of America are drawn into question on grounds of validity and repugnant to the Constitution, and treaty law, particularly 28 U.S. C. § 1738, State and Territorial statutes and judicial proceedings; full faith and credit.

United States Constitution, Art. IV, §1:

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Title 28 U.S.C. §1738 provides, in part:

The Acts of the legislature of any State, Territory, or Possession of the United States, or copies thereof, shall be authenticated by affixing the seal of such State, Territory or Possession thereto.

Such Acts, records and judicial proceedings or copies thereof, so authenticated, shall have the same full faith and credit in every court within the United States and its Territories and Possessions as they have by law or usage in the courts of such State, Territory, or Possession from which they are taken.

CONSTITUTIONAL PROVISIONS STATUTES, RULES AND TREATIES INVOLVED.

The constitution of the United States, as amended of the original Constitution of 1776, fifth, sixth and fourteenth amendment of the Bill of Rights of the Congress of the United:

States of Article the third; of the Article the sixth, Article the seventh - - - in part nor be deprived of life, liberty, or property, without due process of law, the Article the eight, the Article the eleventh; of the Article the twelfth and the original thirteen amendment of the original Constitution of the United States for the original State of the Union of the United States; **28 U.S.C. § 1331; 28 U.S.C. § 1334 (3)** redress of grievances with the State of Michigan; **28 U.S.C. §1341; 28 U.S.C. § 1**; of **Article III § 2 of the Constitution of the United States**

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II. Petitioner raises the question of standing under the doctrine of Article III standing that is a requirement of bringing an Article III question of actual standing. The petitioner argues the fact of standing as a party of actual standing before this Article

III court of the united States, actual violation of Article the eight of the Bill of Rights of the Sixth Amendment of the Constitution of the United States of America, of 1791, as amended?

Petitioner says "Yes" ..... i - iii - 10

III. Whether the Statutes of the State of Michigan particularly M.C.L. § 257.311 or M.C.L. 750. 479 apply to Linda-Ann: Heldt; when Linda-Ann: Heldt; is not personally mentioned in this Statutes of the State of Michigan lacking the seal of the United States, violation of treaty law of 28 U.S.C. 1738 as law of the United States?

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Linda-Ann: Heldt; as a natural Citizen of the sovereign United States respectfully petitions the United States Supreme Court for State court certiorari writ of Certiorari to review the Michigan Supreme Court DENIAL at **Appendix A** of the judgment of the Court of Appeals, State of Michigan entered June 24, 2003, affirming the judgment of conviction of the State of Michigan Sixth Judicial Circuit Court Oakland County.

Whereas, Linda-Ann: Heldt; request this court intervene to enforce the commands of the United States Constitution.

OPINION BELOW

The opinion of the Michigan Supreme Court denial as dated February 27, 2004, appears in **Appendix A**. On Order of the Court, the application for leave to appeal the June 24, 2003 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

The opinion of the Court of Appeals, State of Michigan Order affirming the State of Michigan Sixth Judicial Circuit Oakland County judgment is affirmed (**see App. C**) dated September 10, 2003 issued upon Defendant-Appellant's Motion for Reconsideration of the Defendant-Appellant's Leave to Appeal the Opinion of the Court of Appeals, Case No. 236842 dated June 24, 2003. **See appendix B.**

The Order and Judgment of the Jury Trial held In the State of Michigan Sixth Judicial Circuit Court for the County of Oakland appears in **Appendix D.**

JURISDICTION

The date on which the Court of Appeal, State of

Michigan decided my case was June 24, 2003. **See Appendix C.**

A timely petition for rehearing was denied by the Court of Appeals, State of Michigan on September 10, 2003. See **Appendix B.** A timely appeal was filed in the Michigan Supreme Court and the Order of the Court appears in **Appendix A.** Linda-Ann: Heldt; petitioner, moves this Supreme Court of the United States for State Court certiorari for reversal of the judgment and conviction of the State of Michigan criminal action taken in the Name of the People of the State of Michigan.

Linda-Ann: Heldt;, petitioner, alleges she is being held under the foreign State of Michigan judgment and conviction of the charges of Resisting and Obstructing a police officer, **M.C.L. 750.479,** in the State of Michigan Sixth Judicial Circuit Court for Oakland County. **See Appendix D.**

Linda-Ann: Heldt;, petitioner, alleges several harmful error(s) and fundamental error(s), which goes to the merits of the case and the erroneous errors deviating from the law, particularly the denial of assistance of counsel and counsel of choice in the preliminary Examination in the State of Michigan 52-3 Judicial District Court before the Honorable Julie A. Nicholson, a Licensed Attorney State of Michigan Bar No. P-40515 and on hearing of the charge of Resisting and Obstructing a police office. **See Appendix E.** In the State of Michigan Sixth Judicial Circuit Court for Oakland County, before the Honorable Wendy L. Potts, a Licensed Attorney, State of Michigan Bar No. P20604. Linda-Ann: Heldt; was denied her personal liberty of the right of assistance of Counsel, choice of Counsel. **See Appendix E.**

The Jurisdiction of this court is involved under **28 U.S.C. § 1257 (a) of 28 U.S.C. § 1.**

The statutory provision for this court's jurisdiction is **28 U.S.C. Sections 1331** and **1343 (3)**. Federal Question and Redress of Grievances with the decisions and action of the Courts of the State of Michigan.

The statutory provision of the court's jurisdiction is herein incorporated **28 U.S.C. § 519**, because of the treaty violation of the State of Michigan, its agents, officers and employees. Linda-Ann: Heldt; brings this action in her own name as a Natural born Citizen of the United States and in the name of the de-jure government of the united States, of the violation of the laws of the United States.

The Jurisdiction of this Court is invoked in accordance with Article III § 2 of the Constitution of the United States of America, 1791 as amended. The subject matter jurisdiction of this action are Acts of the congress for the united States and the Laws of the United States as the supreme Law of the Land in accordance with Article IV, § 4, Form of state government and Article VI, § 2, Supreme Law.

STATEMENT OF THE CASE

Linda-Ann: Heldt;, petitioner is faced with a foreign State of Michigan conviction of violation of **M.C.L. § 750.479** Resisting and Obstructing an Officer after a lengthy and costly appeal process with the Michigan Supreme Court on order of the Court, the application for leave to appeal the June 24, 2003 judgment of the Court of Appeals is considered, and it is Denied, because we (the court) are not persuaded that the

questions presented should be reviewed by this Count.

In these lengthy and costly appeals, Linda-Ann: Heldt; was denied her right of assistance of counsel of her choice and held to a foreign State of Michigan of the statutes of the State of Michigan **M.C.L. § 750.479** and **M.C.L. 600.904, 600.619** that only licensed attorney have the exclusive right to practice law when the issue is not the practice of law but the right of assistance of counsel in a State criminal proceedings.

This practice and "Specific-Policy" is in violation of Linda-Ann: Heldt;, Petitioner's right of Fair Trial.

REASONS FOR GRANTING THE PETITION

I. Whether the trial judge Wendy L. Potts violated Linda-Ann: Heldt;'s, Sixth Amendment right of assistance of counsel in the State of Michigan Sixth Judicial Circuit Court, criminal proceeding enforcing the "Specific-Policy" of M.C.L. 600.901. State bar; membership; public body corporate. Sec.901. The state bar of Michigan is a public body corporate, the membership of which consists of all persons who are now and hereafter licensed to practice law in this state. The members of the state bar of Michigan are officers of the courts of this state, and have exclusive right to designate themselves as "attorneys and counselors," or "attorneys at law," or "lawyers." No person is authorized to practice law in this state unless he complies with the requirements of the supreme court with regard thereto. This decision by Wendy L. Potts is in conflict with the decisions of the Supreme Court of the United States, right of assistance of counsel is Stare decisis, not Res judicata?

Petitioner says "Yes"

This action arose in Michigan state, in the United States as the transcripts of the State of Michigan 52-3 District Court and the State of Michigan Sixth Judicial Circuit Court for the County of Michigan will reflect. Linda-Ann: Heldt;, petitioner was traveling on M-59 a public highway and exited that highway at Rochester Road. At which time Oakland County Deputy Eugene Carter Deputy Sheriff of Oakland County observed Linda-Ann: Heldt; turned right on red in a no turn on red area. Deputy Carter effectuated a traffic stop. Deputy Carter approached the stopped vehicle. Deputy Carter requested Linda-Ann: Heldt;'s operator's license. Linda-Ann: Heldt; requested that Deputy Carter display his identification, **M.C.L. 257.311**, of which he was unable or unwilling to do. Within a few minutes of Deputy Carter's request Linda-Ann: Heldt; displayed her driver's license. Deputy Sergeant White was called to assist in effecting this traffic stop. After threats to break the vehicles window, physically take Linda-Ann: Heldt; out of and impound her vehicle, then take her to jail, Linda-Ann: Heldt; surrendered her driver's license. After a lengthy traffic stop that exceeded one minute see **United States vs. Brignoni-Ponce, 422 U.S. at 880 - - - one minute without a federal warrant**.

Deputy Carter stating that he would be submitting a warrant package to the prosecutor's office for a warrant against Linda-Ann: Heldt; for resisting and obstructing a police officer. Linda-Ann: Heldt; by warrant was charged with resisting and obstructing a police officer.

During the Pre-trial hearing in the State of Michigan 52-

3 District Court, Linda-Ann: Heldt; appearing without an attorney requested Douglas Dwight Bennett be allowed to act as her assistance of council in this State of Michigan misdemeanor criminal proceeding before Judge Julie A. Nicholson - -Statements that it is unlawful for any person in the State of Michigan to practice; or to engage in the business; or in any manner whatever to lead others to believe that he or she is authorized to practice-law or to represent or designate himself or herself as an attorney and counselor; attorney at law or lawyer; unless that person is duly licensed to practice law in this state. Any person who violates this prohibition is guilty of contempt of the Supreme-Court of the State of Michigan and the Circuit-Court in the county where the violation occurred; and upon conviction is punishable as provided by law; citing **M.C. L. 600.916; M.S.A. 27 A.916.** Also see the **Hobbs Act 18 U.S.C. § 1951, United States vs. Green, 350 U.S. 415 (1956).**

Judge Julie A. Nicholson denied Linda-Ann: Heldt;'s personal liberty of right of assistance of counsel. This is a Sixth amendment of the Article the eight of the Bill of Rights of the Congress of the United: States. **See Appendix E.**

The prosecution presented the State of Michigan statute **M.C.L. § 750.479** without the seal of the United States as law of the United States, that Linda-Ann: Heldt; was charged under.

That following a formal pre-trial for bindover to the State of Michigan Sixth Judicial Circuit Court for the County of Oakland, Judge Julie A. Nicholson found sufficient evidence for bindover of Linda-Ann: Heldt;, in spite of the violation of the right of assistance of counsel of her choice. See **Roe vs. Wade, 41 L.W. 4213 (1973); Shapiro vs. Thompson,**

U.S. 641, 394 U.S. 618 (1966); Griswold vs. Connecticut, 381 U.S. 479 (1964). The Right of choice was also upheld in **U.S. Terms Inc. vs. Ray Thorton et., al., No. 03-1456 and No. 93-1828 at L.W. 4423, 5-23-95.**

In speaking of controlling Constitutional law as opposed to mere statutory law, **Chief Justice Marshall said:**

"Those then, who controvert this principle, that the Constitution is to be considered, in court as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the Constitution and see only the law."

"This doctrine would subvert the very foundation of all written ... Constitutions." **Marbury vs. Madison, 5 U.S. 137, 176.**

The United States Supreme Court also pointed out in this decision that in declaring what should be the supreme Law of the Land, the Constitution itself was first mentioned and .... **" not the laws of the United States generally ..."**

The attorneys who sit in our State Legislatures and our Congress have no right to pass laws which infringe upon or abolish our Rights secured by the American Constitution, and such unconstitutional laws which purport to do so must be declared null and void . **Miranda vs. Arizona, p. Supra. P. 491**, and not binding upon the Courts.

The Supreme Court of the United States held in **Miller vs. Milwaukee, 272 U.S. 713,** that if a statute is part of an unlawful scheme to reach a prohibited result, ... " the statute must fail." This was again upheld in **McCallen vs. Massachusetts, 279 U.S. 620, 630.** Legislators, neither Federal nor State, may restrict the Courts to "attorneys only" in order to effectively deny Counsel to any Defendant who

evinces a desire to be represented or assisted by a "friend" in preference to an "attorney". What cannot be done by the front door cannot be lawfully done by way of the back door.

The Supreme Court held that the Privileges and Immunities Clause of the Constitution for the United States of America, 1791, as amended, applies to the [practice of] Law, and that the Right [to practice] law is protected under the clause. The Privileges and Immunities Clause, Article IV, Section 2 of the Constitution for the United States of America, 1791, as amended, states that the "Citizens of each state shall be entitled to all Privileges and Immunities of the Citizens in the several States." **Piper vs. New Hampshire Supreme Court, 470 U.S. 274, 1 Law, Man. Prof. Conduct, 675 (1985).**

This court of the United States expressed a note of caution with regard to the Loyalty Oath Cases ... "can be a dangerous instrument for arbitrary and discriminatory denial of the right to practice law." **Konigsburg vs. California State Bar, 353 U.S. 252, 263 (1957)**. The petitioner on information of the **Konigsburg vs. California State Bar,** believes the swearing to the Oath of the STATE BAR OF MICHIGAN would be an alliance to a foreign state, and in conflict with the intent of the original (lawfully ratified, and never having been overturned)13TH Amendment to the 1791 American Constitution.

On bindover to the State of Michigan Sixth Judicial Circuit Court for Oakland County, Linda-Ann: Heldt; instructed her attorney Douglas A McKinney to advise the court that he is Linda-Ann: Heldt;'s second choice of counsel. Linda-Ann: Heldt;'s First Choice of assistance of counsel

would be Douglas Dwight Bennett. That because Douglas Dwight Bennett is not a licensed attorney he is not allowed to assist as counsel of choice. See Appendix in part Linda-Ann: Heldt;'s denial of Douglas Dwight Bennett as assistance of counsel by Trial Judge Wendy L. Potts. **See Appendix - F-.**

That a jury found Linda-Ann: Heldt; guilty of Obstruction and Resisting a police office. Linda-Ann: Heldt; was sentenced and appealed the foreign State of Michigan conviction to the Michigan Court of appeals that affirmed the conviction and the State of Michigan, Michigan Supreme Court Denied Linda-Ann: Heldt;'s leave to appeal, because we (the Court) are not persuaded that the questions presented should be reviewed by this Court.

The court in **Johnson v. Zerbst, 304 U.S. 458 (1938),** held - - - If the accused is not represented by counsel and has not competently and intelligently waived his constitutional right, the Sixth Amendment stands as a jurisdictional bar to a valid conviction and sentence depriving him of his life or his liberty.

The court - - - The Sixth Amendment guarantees that, "In all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defence." This is one of the safeguards of the Sixth Amendment deemed necessary to insure fundamental human rights of life and liberty. Omitted from the Constitution as originally adopted, provisions of this and other Amendments were submitted by the first Congress convened under that Constitution as essential barriers against arbitrary or unjust deprivation of human rights. The Sixth Amendment stands as a constant admonition that, if the constitutional safeguards it provides be lost, justice will not

"still be done."It embodies a realistic recognition of the obvious truth that the average defendant does not have the professional legal skill to protect [**304 U.S. 463**] himself when brought before a tribunal with power to take his life or liberty, wherein the prosecution is presented by experienced and learned counsel. That which is simple, orderly and necessary to the lawyer, to the untrained layman may appear intricate, complex and mysterious. Consistently with the wise policy of the Sixth Amendment and other parts of our fundamental charter, this Court has pointed to " . . . the humane policy of the modern criminal law . . ." which now provides that a defendant " . . . if he be poor, . . . may have counsel furnished him by the state . . . not infrequently . . . more able than the attorney for the state."

Linda-Ann: Heldt;'s alleges this is a violation of her personal liberties pursuant Article the eight, - - - to have the assistance of counsel for his (her) defence and Article the third Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievance, of the Bill of Rights of the Congress of the United: States.

II. Petitioner raises the question of standing under the doctrine of Article III standing that is a requirement of bringing an Article III question of actual standing. The petitioner argues the fact of standing as a party of actual standing before this Article III court of the united States, actual violation of Article the eight of the Bill of Rights of the Sixth Amendment of the Constitution of the United

States of America, of 1791, as amended?

Petitioner says "Yes"

Linda-Ann: Heldt; has demonstrated an actual showing of actual damage of her personal liberty of assistant of counsel of choice, to establish Article III standing. In particular, she has demonstrated "injury in fact" -- a harm that is both "concrete" and "actual or imminent, not conjectural or hypothetical." **Whitmore v. Arkansas, 495 U.S. 149, 155.**

The court in **Vermont Agency of Natural Resources vs. United States , 529 U.S. 765 (2000)** - - - As we have frequently explained, a plaintiff must meet three requirements in order to establish Article III standing. See, e.g., **Friends of Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc., 528 U.S. 167, 180-181 (2000).** First, he must demonstrate "injury in fact" -- a harm that is both "concrete" and "actual or imminent, not conjectural or hypothetical." **Whitmore v. Arkansas, 495 U.S. 149, 155 (1990)** (internal quotation marks and citation omitted). Second, he must establish causation -- a "fairly . . . trace[able]" connection between the alleged injury in fact and the alleged conduct of the defendant. **Simon v. Eastern Ky. Welfare Rights Organization, 426 U.S. 26, 41 (1976).** And third, he must demonstrate redressability -- a "substantial likelihood" that the requested relief will remedy the alleged injury in fact. Id. at 45. These requirements together constitute the "irreducible constitutional minimum" of standing, **Lujan v. Defenders of Wildlife, 504 U.S. 555, 560 (1992),** which is an "essential and unchanging part" of Article III's "case or controversy" requirement, ibid., and a key factor in dividing the power of government between the courts and the

two political branches, see id. at 559-560. See **Warth v. Seldin, 422 U.S. 490, [529 U.S. 772] 499 (1975)** (emphasis added); see also **Sierra Club v. Morton, 405 U.S. 727, 734-735 (1972).**

The court in Cooper vs. Aaron, 358 U.S. 1 (1958). The constitutional rights of respondents are not to be sacrificed or yielded to the violence and disorder which have followed **[358 U.S. 3]** upon the actions of the Governor and Legislature, and law and order are not here to be preserved by depriving the Negro children of their constitutional rights, the court in **Cooper vs. Aaron.**

The controlling legal principles are plain. The command of the Fourteenth Amendment is that no "State" shall deny to any person within its jurisdiction the equal protection of the laws.

A State acts by its legislative, its executive, or its judicial authorities. It can act in no **[358 U.S. 17]** other way. The constitutional provision, therefore, must mean that no agency of the State, or of the officers or agents by whom its powers are exerted, shall deny to any person within its jurisdiction the equal protection of the laws. Whoever, by virtue of public position under a State government, . . . denies or takes away the equal protection of the laws violates the constitutional inhibition; and, as he acts in the name and for the State, and is clothed with the State's power, his act is that of the State. This must be so, or the constitutional prohibition has no meaning.

Ex parte Virginia, 100 U.S. 339, 347. Thus, the prohibitions of the Fourteenth Amendment extend to all action of the State denying equal protection of the laws; whatever the

agency of the State taking the action, see **Virginia vs. Rives, 100 U.S. 313; Pennsylvania vs. Board of Directors of City Trusts of Philadelphia, 353 U.S. 230; Shelley vs. Kraemer, 334 U.S. 1**; or whatever the guise in which it is taken, see **Derrington vs. Plummer, 240 F.2d 922; Department of Conservation and Development vs. Tate, 231 F.2d 615**.

Article VI of the Constitution makes the Constitution the **"supreme Law of the Land."** In 1803, Chief Justice Marshall, speaking for a unanimous Court, referring to the Constitution as "the fundamental and paramount law of the nation," declared in the notable case of **Marbury vs. Madison, 1 Cranch 137, 177, (1803)** that "It is emphatically the province and duty of the judicial department to say what the law is." This decision declared the basic principle that the federal judiciary is supreme in the exposition of the law of the Constitution, and that principle has ever since been respected by this Court and the Country as a permanent and indispensable feature of our constitutional system. It follows that the interpretation of the Fourteenth Amendment enunciated by this Court in the Brown case is the supreme law of the land, and **Art. VI of the Constitution** makes it of binding effect on the States "any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." **Every state legislator and executive and judicial officer is solemnly committed by oath taken pursuant to Art. VI, cl. 3 "to support this Constitution."** Chief Justice Taney, speaking for a unanimous Court in 1859, said that this requirement reflected the framers.

The section was the subject of very full and mature consideration in **Slaughter-House Cases, 16 Wall 36 (1872).** In those cases, an act of the Louisiana Legislature, which had

granted to a corporation created for the purpose the exclusive right to erect and maintain a building for the slaughter of live animals within the city, was assailed as being in conflict with this section. The right of the State to use a private corporation and confer upon it the necessary powers to carry into effect sanitary regulations [**96 U.S. 101**] was affirmed, and the decision is applicable to a similar objection in the case now before us. The argument of counsel and the opinion of the Court in those cases were mainly directed to that part of the section which related to the privileges and immunities of citizens; and, as the Court said in the opinion, the argument was not much pressed that the statute deprived the butchers of their property without due process of law. The Court held that the provision was inapplicable to the case.

The prohibition against depriving the citizen or subject of his life, liberty, or property without due process of law is not new in the constitutional history of the English race. It is not new in the constitutional history of this country, and it was not new in the Constitution of the United States when it became a part of the Fourteenth Amendment, in the year 1866.

The equivalent of the phrase "due process of law," according to Lord Coke, is found in the words "law of the land," in the Great Charter, in connection with the writ of habeas corpus, the trial by jury, and other guarantees of the rights of the subject against the oppression of the Crown. In the series of amendments to the Constitution of the United States, proposed and adopted immediately after the organization of the Government, which were dictated by the jealousy of the States as further limitations upon the power of the Federal government, it is found in the fifth, in connection

with other guarantees of personal rights of the same character.

In **Wheeling Steel Corp. vs. Glander, 337 U.S. 562 (1949)**, the court held; **both Mr. Justice Woods in Insurance Co. vs. New Orleans, supra, p. 88, and MR. JUSTICE BLACK in his dissent in Connecticut General Co. vs. Johnson, supra, pp. 88-89, have shown how strained a construction it is of the Fourteenth Amendment so to hold. Section 1 of the Amendment provides:**

Privileges and immunities which are, in their nature, fundamental, are these covered by "privileges and immunities" clause of the Federal Constitution. **Canadian N.R. Co. vs. Eggen, 252 U.S. 553 (1920). See Hesss vs. Pawloski, 274 U.S. 352 (1927).**

In this proceeding before this court, Linda-Ann: Heldt;, Petitioner, has demonstrated she has been twice been placed in jeopardy being denied her personal liberty of the right of assistance of counsel of choice in the State of Michigan 52-3 District Court and in the State of Michigan Sixth Judicial Circuit Court for Oakland County. That being a violation of the Sixth Amendment of the Article of the eight of the Bill of Rights of the Congress of the United: States.

III. Whether the Statutes of the State of Michigan particularly M.C.L. § 257.311 or M.C.L. 750. 479 apply to Linda-Ann: Heldt; when Linda-Ann: Heldt; is not personally mentioned in these Statutes of the State of Michigan lacking the seal of the United States, are in violation of treaty law of 28 U.S.C. 1738 as law of the United States?

Petitioner says "Yes"

The court in **Thomas v. Washington Gas Light Co. 448 U.S. 261, (1980)** - - - The Full Faith and Credit Clause did not allot to this Court the task of "balancing" interests where the **"public Acts, Records, and judicial Proceedings"** of a State were involved. It simply directed that they be given the "Full Faith and Credit" that the Court today denies to those of Virginia. I would arm the judgment of the court below.

STEVENS, J., lead opinion (Footnotes)

1. United States Constitution, Art. IV, §1:

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Title 28 U.S.C. §1738 provides, in part:

The Acts of the legislature of any State, Territory, or Possession of the United States, or copies thereof, shall be authenticated by affixing the seal of such State, Territory or Possession thereto.

Such Acts, records and judicial proceedings or copies thereof, so authenticated, shall have the same full faith and credit in every court within the United States and its Territories and Possessions as they have by law or usage in the courts of such State, Territory, or Possession from which they are taken.

During the trial before the State of Michigan 52-3 District Count and the State of Michigan Sixth Judicial Circuit for the County of Oakland, no such proof was offered by the Prosecuting attorney that **M.C.L. § 257.311 or M.C.L. 750. 479** are the laws of the United States.

Full faith and credit is a national policy, not a state policy. Its purpose is not merely to demand respect from one state for another, but rather to give us the benefits of a unified nation by altering the status of otherwise "independent, sovereign states." **Hence, it is for federal law, not state law, to prescribe the measure of credit which one state shall give to another's judgment**. In this regard, it is interesting to note that, in dealing with full faith and credit to statutes, the Supreme Court in recent years has accorded no weight to language which purported to give a particular statute extraterritorial effect.[49] There is every reason why a similar attitude should be taken with respect to judgments.

The full faith and credit area presents special problems, because the Constitution expressly delegates to Congress the authority "by general Laws [to] prescribe the Manner in which [the States'] Acts, Records and Proceedings shall be proved, and the Effect thereof." (Emphasis added.) See n. 1, supra. Yet it is quite clear that Congress' power in this area is not exclusive, for this Court has given effect to the Clause beyond that required by implementing legislation. See **Bradford Electric Co. v. Clapper, 286 U.S. 145**, in which the Court required the New Hampshire courts to respect a Vermont statute which precluded a worker from bringing a common law action against his employer for job-related injuries where the employment relation was formed in Vermont, even though the injury occurred in New Hampshire. At the time the Clapper case was decided, the predecessor of **28 U.S.C. § 1738 included no reference to "Acts"** in the sentence that required the forum State to accord the same full faith and credit to records and judicial proceedings as they have in the State from

which they are taken. The reference to Acts was added for the first time in 1948. See **Carroll v. Lanza, 349 U.S. 408, 422, n. 4 (Frankfurter, J., dissenting)**. Thus, the Clapper case rested on the constitutional Clause alone. Carroll, which for all intents and purposes buried whatever was left of Clapper after **Pacific Employers Ins. Co. v. Industrial Accident Comm'n, 306 U.S. 493; see 349 U.S. at 412; n. 23, infra,** cast no doubt on Clapper's reliance on the Full Faith and Credit Clause itself.

While the purpose of that provision was to preserve rights acquired or confirmed under the public acts and **judicial proceedings** of one state by requiring recognition of their validity in other states, the very nature of the federal union of states, to which are reserved some of the attributes of sovereignty, precludes resort to the full faith and credit clause as the means for compelling a state to substitute the statutes of other states for its own statutes dealing with a subject matter concerning which it is competent to legislate.

The court in **Marbury vs. Madison, 5 U.S. 137 (1803)**- - - When the heads of the departments of the Government are the political or confidential officers of the Executive, merely to execute the will of the President, or rather to act in cases in which the Executive possesses a constitutional or legal discretion, nothing can be more perfectly clear than that their acts are only politically examinable. But where a specific duty is assigned by law, and individual rights depend upon the performance of that duty, it seems equally clear that the individual who considers himself injured has a right to resort to the laws of his country for a remedy.

If courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the legislature,

the Constitution, and not such ordinary act, must govern the case to which they both apply.

The court 5 U.S. 154 - - - If he has a right, and that right has been violated, do the laws of his country afford him a remedy? The court - - - An act of Congress directs the Secretary of State to keep the seal of the United States, to make out and record, and affix the said seal to all civil commissions to officers of the United States to be appointed by the President, by and with the consent of the Senate, or by the President alone; provided that the said seal shall not be affixed to any commission before the same shall have been signed by the President of the United States.

"**The Government of the United States** has been emphatically termed **a government of laws, and not of men.** It will certainly cease to deserve this high appellation if the laws furnish no remedy for the violation of a vested legal right."

The court at 5 U.S. 177 - - - If an act of the Legislature repugnant to the Constitution is void, does it, notwithstanding its invalidity, bind the Courts and oblige them to give it effect? Or, in other words, though it be not law, does it constitute a rule as operative as if it was a law? This would be to overthrow in fact what was established in theory, and would seem, at first view, an absurdity too gross to be insisted on. It shall, however, receive a more attentive consideration.

The court at 5 U.S. 178 - - - So, **if a law be in opposition to the Constitution, if both the law and the Constitution apply to a particular case**, so that the Court must either decide that case conformably to the law, disregarding the Constitution, or conformably to the

Constitution, disregarding the law, the Court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty.

If, then, the Courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the Legislature, the Constitution, and not such ordinary act, must govern the case to which they both apply.

The court in **United States v. Cooper Corporation 312 U.S. 600 (1941)** - - - While the United States is a juristic person in the sense that it can sue upon its contracts or in vindication of its property rights, the term **"person" does not include the sovereign in common usage nor, ordinarily, when employed in statutes.**

The court - - - In summary, we are of opinion that the text of the Act, taken in its natural and ordinary sense, makes against the extension of the term **"person" to include the United States**, and that the usual aids to construction, taken together, instead of inducing the contrary conclusion, go to support the view that Congress did not use the word in the sense for which the Government contends.

And, speaking in similar vein in **Helvering vs. Stockholms Enskilda Bank, 293 U.S. 84, 92,** after having cited Blackstone for the proposition that the sovereign is a "corporation" and after having gone even beyond this to hold that the statutory word "resident" included the United States.

IV. Whether Linda-Ann: Heldt; was denied the right of a fair trial by the many errors of the trial Judge Wendy L. Potts and Julie A. Nicholson?

Petitioner says "Yes"

The Sixth Amendment to the United States Constitution reads as follows:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, ***and to have the assistance of counsel for his defense.*** (Emphasis supplied)

ARTICLE I. § 20 of the Michigan Constitution of 1963, provides similarly as follows:

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in prosecutions for misdemeanors punishable by imprisonment for not more than 1 year; to be informed of the nature of the accusation; to be confronted with the witnesses against him or her; to have compulsory process for obtaining witnesses in his or her favor; ***to have the assistance of counsel for his or her defense***; to have an appeal as a matter of right, except as provided by law an appeal by an accused who pleads guilty or nolo contendere shall be by leave of the court; and as provided by law, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Defendant's right to proceed in propria persona is preserved by **this Article 1 Section 20 of the Michigan Constitution of 1963** and implemented by **MCL § 763.1**. **People v. Holcomb**, **47 Mich. App. 573, 209 N.W.2d 701,**

(1973) reversed on other grounds **395 Mich. 326, 235 N.W.2d 343**. Right to personally conduct one's defense in criminal prosecution is absolute. **People v. Armstrong, 28 Mich. App. 387, 184 N.W.2d 531 (1970).** As such under the laws of the United States and the State of Michigan Defendant-Appellant had the absolute right and authority to defend herself in the same manner as any attorney authorized to practice. **Faretta v. State of California, 422 US 806, 45 Led2d 562, 95 St.C 2525 (1975), Devine v. Indian River County School Board, 121 F.3d 576 (11th Cir 1997).**

The United States Constitution in the Fourteenth Amendment contains an Equal protection clause. The equal protection clause essentially requires that all persons similarly situated be treated alike. An equal protection violation occurs when government treats someone differently than another who is similarly situated. **City of Cleburne v. Cleburne Living Center, 473 US 432, 87 Led2d 313, 105 SCt 3249 (1985) Jacobs, Visonsi & Jacobs Co. v. City of Lawrence, 927 F2d 1111 (10th Cir 1991).** In preparing for and presenting a criminal defense often times an attorney will retain and rely upon an assistant. This assistant may in fact be a lay person. This lay person is often a paralegal or a legal assistant. These people are not independently authorized to practice law, however, because they are supervised by an attorney who is authorized to practice and the "attorney" reviews and presents the matters to the Court their actions are authorized. Here the Defendant-Appellant was "authorized" to practice law in the defense of herself. Her authority to practice law is in no way different than an attorney. A defendant who represents herself is entitled to as much latitude in conducting her defense as is enjoyed by counsel

vigorously espousing a client's cause. **Kentucky v. Stincer, 482 US 730 (1987).** Thus, the pro se litigant and the attorney authorized to practice law are similarly situated in presenting a defense to a criminal prosecution. To treat a pro se litigant defending herself differently than an attorney authorized to practice law denies the pro se defendant Equal protection under the law. State action is involved because the various courts refused to allow the Defendant-Appellant the right to utilize a resource person to assist her in the presentation of her defense at critical stages of the criminal proceeding. Stages of criminal proceedings have been held to be "critical" where there exists more than a "minimal risk" that the proceedings might impair the defendant's right to a fair trial. **Gilbert v. California, 388 US 263, 87 S.Ct. 1951 (1967).** It is respectfully submitted that the Preliminary Exam and other court appearances are critical stages. (See **Coleman v. Alabama, 399 US 1, 90 S.Ct 1999, 26 Led 2d 287 (1970); People v. Williams, 386 Mich 277, 192 NW2d 466 (1971) The Federal Court has recognized the right of a pro se litigant to have lay counsel to assist at defense table. Turner v. American Bar Association, 407 F.Supp 451 (WD Wisc. 1975).**

Here the Defendant-Appellant had repeatedly requested the right to proceed pro se. When she requested the right to have the assistance of a resource person at defense table, she was continually admonished that she could not have such assistance and factually denied the right to lay assistance. Here the Defendant-Appellant's own authorization to practice in the defense of herself should have been paramount. Left with no alternative and against her wishes Defendant-Appellant retained an attorney authorized to practice law by the State Bar

in the State of Michigan. The actions of the State Courts have denied to the Defendant Appellant a fundamental right.

During the preliminary examination in the State of Michigan 52-3 District Court, before Judge Julie A. Nicholson. Linda-Ann: Heldt;, requested assistance of counsel and her choice of assistance of counsel is Douglas Dwight Bennett a non-attorney. This Request was denied by Judge Julie A. Nicholson and the preliminary examination continued in violation of Linda-Ann: Heldt;'s Article the eight of the Bill of Rights of the Congress of the United: States, of the Sixth Amendment of the Constitution of the United States of America. Douglas Dwight Bennett is not an attorney, not licensed by the State Bar of Michigan. **See Appendix -G, and H.**

The court in **Maine v. Moulton, 474 U.S. 159 (1965)** - - - The assistance of counsel is necessary to safeguard the other procedural safeguards provided to the accused by the criminal justice process. Accordingly, the right to the assistance of counsel is not limited to **[474 U.S. 160]** participation in a trial; to deprive a person of counsel during the period prior to trial may be more damaging than denial of counsel during the trial itself. Whatever else it may mean, the right to counsel means at least that a person is entitled to the help of a lawyer at or after the time that judicial proceedings have been initiated against him.

Once the right to counsel has attached and been asserted, the State must, of course, honor it. This means more than **[474 U.S. 171]** simply that the State cannot prevent the accused from obtaining the assistance of counsel. The Sixth Amendment also imposes on the State an affirmative obligation

to respect and preserve the accused's choice to seek this assistance. The scope of the State's obligation in this regard, and have made clear that, at the very least, the prosecutor and police have an affirmative obligation not to act in a manner that circumvents and thereby dilutes the protection afforded by the right to counsel. See **Spano v. New York, 360 U.S. 315 (1959)."**

This action could be best in summary by the words of Justice Stewart noted that this view of the right to counsel "no more than reflects a constitutional principle established as long ago as **Powell v. Alabama," 287 U.S. 45 (1932)** where the Court noted that "during perhaps the most critical period of the proceedings . . . that is to say, from the time of their arraignment until the beginning of their trial, when consultation, thorough-going investigation and preparation [are] vitally important, the defendants [are] as much entitled to such aid [of counsel] . . . as at the trial itself."

The Sixth Amendment protects the right of the accused not to be confronted by an agent of the State regarding matters as to which the right to counsel has attached without counsel's being present. This right was violated as soon as the State's agent engaged in conversation about the charges pending against him. See the **HOBB'S Act, 18 U.S.C. § 1951, United States vs. Green, 350 U.S. 415 (1956)**. That it should be noted that Judge Julie A. Nicholson, and Judge Wendy L. Potts are Licensed Attorney and members of the Union of the State Bar of Michigan, required to pay dues to the State Bar of Michigan to maintain personal statutes as a member of the State Bar of Michigan. See **Dickerson vs. United States, 530 U.S. 428 (2000).** One act of Congress can not override an act

of the congress. In constitutional cases, stare decisis carries such persuasive force that the Court has always required a departure from precedent to be supported by some special justification. E.g., **United States v. International [530 U.S. 430] Business Machines Corp, 517 U.S. 843, 856**

The court in **Smith v. Phillips, 455 U.S. 209, 221 (1982)** ("Federal courts hold no supervisory authority over state judicial proceedings and may intervene only to correct wrongs of constitutional dimension"); **Cicenia v. Lagay, 357 U.S. 504, 508-509 (1958)**. With respect to proceedings in state courts, our "authority is limited to enforcing the commands of the United States Constitution." **Mu'Min v. Virginia, 500 U.S. 415, 422 (1991). See also Harris v. Rivera, 454 U.S. 339, 344-345 (1981)** (per curiam) (stating that "[f]ederal judges may not require the observance **[530 U.S. 439]** of any special procedures" in state courts "except when necessary to assure compliance with the dictates of the Federal Constitution").

Whereas in this cause of action where Linda-Ann: Heldt; moves more that just an alleged allegation, rest on the showing of actual violation an injury of the trial Judges, Julie A. Nicholson and Wendy L. Potts actual action(s) of violating Linda-Ann: Heldt;'s personal liberty of the right of assistance of counsel of her choice violated Article the eight of the Bill of Rights of the Congress of the United States, and the Sixth Amendment of the Constitution of the United States of America. This is a direct violation of the right of a fair trial of the due-process and equal protection of the law under the Fourteenth Amendment of the Constitution of the United States of America, the laws of the United States.

It is well established that a person is able to represent

herself in a criminal matter. As such Defendant-Appellant as to her own case may represent herself in the same manner as an attorney authorized to practice law. To deny to a pro se litigant the same right and authority as an attorney is a denial of equal protection of the law.

The errors committed in these proceedings from the initiation of the alleged crime through post trial proceedings are numerous both Erroneous and Fundamental and can only be classified as harmful of Linda-Ann: Heldt;'s right of a fair trial under the due-process and equal protection of the laws of the United States that is binding on the State by and through the Fourteenth Amendment of the Constitution of the United States of America of Article the seventh of the Bill of Rights, being deprived of a personal liberty, without due process of law, that being the right of assistance of counsel and choice of counsel in her defence pursuant Article the eight of the Bill of Rights. The number of errors have deprived the Defendant-Appellant of a fair trial and warrants a reversal.

CONCLUSION

For the reasons set forth above, Judge Wendy L. Potts is in error First) denying Linda-Ann: Heldt; her personal liberty under the Michigan Constitution of 1963, Article 1 § 20, of the Sixth Amendment of the Constitution of the United States of America of the Bill of Right of Article the eighth and Article the third of the Congress of the United States. Second) the Right of Redress is preserved in Article the third of the Bill of Rights and pursuant **28 U.S.C. § 1343(3)** and Article III § 2 of the United States Constitution in matters in Law and Equity, arising under the Constitution of which this petition for writ of certiorari is brought before this court.

Linda-Ann: Heldt;, petitioner, has a personal liberty under the fourteenth amendment of redress **as a class of one** under the protection and equal protection of the 14th Amendment of the Constitution of the United States; Third), Linda-Ann: Heldt; has the **right to name the United States as Co-plaintiff** in this civil action because of violations of her personal liberties and the treaty violation, that the government of the United States has a duty and obligation of protecting its Citizens and guarantee to every State in this Union a Republic Form of Government, and shall protect each of them against Invasion. The State of Michigan is a foreign State and Linda-Ann: Heldt; is held by this foreign judgment and reserves the right of petition pursuant **22 U.S.C. § 1732**, relief by this foreign government deprived of her liberty by trial judges Julie A. Nicholson and Wendy L. Potts, licensed members of the State Bar of Michigan enforcing the "Specific policy of the State Bar of Michigan under **M.C.L. 600.904** and **600.916** contrary to the principles of the laws of the United States particularly Article the eight, "to have assistance of counsel" in her defence and the right of free speech Article the third of the Bill of Rights of the Congress of the United: States.

Whereas, when in fact, "that being the case" the Court of Appeals, State of Michigan and the State of Michigan Sixth Judicial Circuit for the County of Oakland are in error because of the fact the Courts failed to consider the violation of the Trial Judges, Julie A. Nicholson and Wendy L. Potts of Linda-Ann: Heldt;'s constitution rights under the laws of the United States particularly Article the third and Article the eight of the Bill of Rights and the Sixth Amendment of the Constitution of the United States are in actual conflict with the

federal circuit courts and the decisions of the Supreme Court of the United States, that being **Stare decisis**, principle of law and remedy when points of law has been settled by decision of this Supreme Court of the United States. That being the reason your petitioner and Co-petitioner the sovereign United States brings this Writ of Certiorari is before this court this honorable court and the honorable justices of the court of the United States. Petitioner, requests this Supreme Court of the United States grant this Writ of Certiorari granting summarily reverse.

WHEREFORE, Linda-Ann: Heldt; petitioner(s), comes now before this court pursuant **28 U.S.C. § 1257 (a) of 28 U.S.C. § 1.** herein incorporates the jurisdiction of this court pursuant **28 U.S.C. § 519** the United States as a party of this action under the principle of law of the **treaty of Ghent of 1814, and the Treaty wit the Ottawa and Chippewa Nation of 1836,** that white settlers shall have the same rights and privileges including immunity for arrest by the State of Michigan, see **United States of America et.,al., v. State of Michigan et.,al., 471 Fed. Supp. 192 at P. 200, note 76**. Co-petitioner, the United States as real parties of interest sues to protect its Citizens in the United States, **as we are the governing body of the United States as self governing.**

Linda-Ann: Heldt; petitioner, as a pro-se litigant be held to less stringent pleading standards than bar [licensed] attorneys. Regardless of the deficiencies in their pleadings, pro se litigants are entitled to the opportunity to submit evidence in support of their claims. **Star decisis, doctrine** the principles of law apply to all future case. See ***Anastasoff v. United States*, 223 F.3d 898 (8th Cir. 2000)**.

WHEREFORE, Linda-Ann: Heldt; petitioner,

request this court take judicial Notice of the Preamble and the Constitution of the United States and the Bill of Rights of the Congress of the United: States, particularly Article the third, Article the seventh and Article the eight as the laws of the United States, as the controlling law of this case.

WHEREFORE, Linda-Ann: Heldt; petitioner, requests this Supreme Court of the United States grant this State court Writ of Certiorari in her own name as an American Citizen of the United States.

Dated: Nov 17, 2004

Linda-Ann: Heldt;
c/o 7706 Granite
Washington Twp., Michigan
Petitioner propia persona

BEFORE-ME, the undersigned authority, Linda-Ann: Heldt;, known by me (or satisfactorily proven) whose full appellation is subscribed by the foregoing instrument, personally appeared and acknowledged by me that she executed the same as her free act and deed for the purpose and considerations herein expressed and the capacity stated, and that the statements contained herein are true and correct by the best of her information, knowledge, and belief.

Subscribed and affirmed before me this 17th day of Nov., 2004.

IN WITNESS WHEREOF, I have set my hand and official seal:

Notary Public

My Commission Expires

ADELINE M. MILLER
Notary Public, Macomb County, MI
My Commission Expires Feb. 24, 2006

APPENDIX - A -

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Order

Entered: February 27, 2004

124952

Michigan Supreme Court
Lansing, Michigan

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman
Juftices

SC: 124952
COA: 236842
Oakland CC: 1999-166727-FH PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

LINDA-ANN HELDT,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 24, 2003 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

d0224

I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

^^i -z-7 Mny_ ^^ffcQ^^

SEAL OF THE MICHIGAN SUPREME COURT
LANSING

APPENDIX - B -

Reproduced and reformatted original document appears in the court file, no guarantee to exact document for because of the reformatting by scanning of original document

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Court of Appeals, State of Michigan

ORDER

Michael J. Talbot
Presiding Judge

People of MI v Linda-Ann Heldt

Docket No. 236842

LCNo. 1999-166727-FH

Janet T.Neff

Kirsten Frank Kelly
Judges

The Court orders that the motion for rehearing is DENIED.
[signed] Michael Talbot
Presiding Judge

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 10 2003 Sandra Schultz Mengel
Date Chief Clerk

APPENDIX - C

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STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED
June 24, 2003

Plaintiff-Appellee,

v

No. 236842
Oakland Circuit Court
L.C. No.1999-
166727-FH

LINDA-ANN HELDT,

Defendant-Appellant.

Before: Talbot, PJ, and Neff and Kelly, JJ.

PER CURIAM.

Defendant appeals as of right her jury trial conviction of resisting and obstructing a police officer, **MCL 750.479**. The trial court sentenced defendant to pay a $1,000 fine, providing that defendant would serve forty-five days in Oakland County Jail if she failed to pay within thirty days. The trial court also

ordered defendant to pay a crime victims rights fee of $60. We affirm but remand for correction of the sentence.

I. Basic Facts

One afternoon in March 1999, Deputy Eugene Carter was working alone on traffic enforcement in Rochester Hills. He drove a marked patrol vehicle equipped with flashing lights. He wore a uniform, badge, hat, and gun belt. At approximately 3:45 p.m., he saw defendant's vehicle make a right turn on a red light at a location and time when such a turn was forbidden. He got behind the vehicle activating approximately eleven lights to effectuate a traffic stop. Defendant pulled over in a store parking lot where there was a lot of pedestrian and vehicle traffic. Deputy Carter exited his vehicle and approached defendant's vehicle stating: "[H]ello, may I see your driver's license, registration and proof of insurance." Defendant would not roll down her window, but turned on a tape recorder. Deputy Carter asked her to roll the window down because he could not hear her. Defendant rolled it down approximately one inch. When Deputy Carter again asked defendant for the documents, she stated that she did not have to talk to him and asked to see his identification. He understood her to mean his ID badge. After he checked his vehicle for his ID badge, he returned and told her that he did not have it in his possession. He again asked for her driver's license, registration, and proof of insurance. Defendant said that it was her property and she did not have to give it to him. At one point, she placed the driver's license up against the windshield. However, Deputy Carter could not see the information through the window. In response to Deputy Carter's continued requests for defendant's identification, defendant put the driver's license through the slit in the window.

When Deputy Carter reached for it, she pulled it back stating that it was her property and he could not have it. During this stop, defendant spoke to several people on a cell phone.

Deputy Carter called Sergeant White who arrived after approximately fifteen minutes. He was in full uniform and drove a marked vehicle. Sergeant White asked defendant if there was a problem and requested her identification. Defendant placed a "no trespassing" sign on the driver-side window. At approximately 4:25 p.m., another officer arrived to videotape the incident. A dispatcher called and advised Sergeant White that she was speaking to defendant who called to inquire whether the officers were in fact officers. The dispatcher informed defendant that they were. Eventually, Sergeant White stated that he would break the window if defendant did not open the door and provide the requested documents. Defendant then turned over the documents stating that she was doing so under duress and that she felt threatened. The registration did not have the VIN of the vehicle that she was driving and the proof of insurance was expired. After Sergeant White ordered defendant to exit her vehicle, she stated that she was afraid for her life because the officers had guns and she did not. After defendant ultimately exited the vehicle, Deputy Clark explained the problems with her registration. Deputy Carter issued tickets for disobeying a traffic control device, no proof of insurance, and invalid registration. Defendant was released at approximately 5:00 p.m. Ultimately, she was charged and convicted of resisting and obstructing, **MCL 750.479**.

II. Applicable Law

Defendant was charged with "resisting and obstructing Deputy E. Carter and/or Sergeant R. White," pursuant to **MCL 750.479** which, at the time of the alleged offense and defendant's trial, provided:

> Any person who shall knowingly and willfully obstruct, resist or oppose any sheriff . . . or person duly

> authorized, in service, or attempting to serve or execute any process, rule or order made or issued by lawful authority, . . . shall be guilty of a misdemeanor, punishable by imprisonment in the state prison not more than two [2] years, or by a fine of not more than one thousand [1,000] dollars.

In ***People v Vasquez,* 465 Mich 83; 631 NW2d 711 (2001),**[1] our Supreme Court construed this statute noting to begin with that the statute generally, "proscribes conduct that 'obstruct[s]' a police officer while the officer is attempting to 'keep the peace.'" ***Id.* at 88** (Markman, J.). The

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[1] Although neither party discusses the retroactivity of this decision, judicial decisions generally are fully retroactive. ***People v Neal,* 459 Mich 72, 80; 586 NW2d 716 (1998).** In criminal cases, ex post facto and due process concerns prevent retroactive application in some cases. ***People v Doyle,* 451 Mich 93, 100-101; 545 NW2d 627 (1996).** This is especially true where the decision is unforeseeable and has the effect of changing existing law. ***Id.* at 101.** But, retroactive application does not implicate due process or ex post facto concerns where the decision does not change the law and is not unforeseeable. ***Id.* *Vasquez*** merely clarified the meaning **of MCL 750.479**, but did not change the law.

Court construed "obstruct" to mean "both violent and nonviolent physical interference." ***Id.* at 90-91**. The Court determined that the defendant's conduct of lying to an officer about his name and age "did not physically interfere with or threaten to physically interfere with the officer." ***Id.* at 92.** The Court decided:

> Because one may threaten to or actually physically interfere with a police officer without threatening to or

> actually hurting a police officer, we believe that one may physically "obstruct" an officer without necessarily posing a threat to the officer's safety. For example, one may "obstruct" an officer with the intent of making it less accessible to the officer. This may pose no real threat to the officer's safety, but it may nevertheless "obstruct" because of the physical barrier interposed to the officer's performance of his duties. Therefore, both physical interference that poses a threat to the safety of police officers ("assault, beat, or wound") *and* physical interference that does not necessarily, but nevertheless may, pose a threat to the safety of police officers ("obstruct, resist, [or] oppose") are proscribed. **[*Id.* at 94.]**

The Court noted that this opinion was consistent with its earlier opinion in ***Philabaun***, wherein the defendant's refusal to comply with a search warrant for a blood sample constituted an obstruction even though it was passive because the officers were "placed in a situation in which, in order to get a sample of the defendant's blood, they would have had to physically constrain him and take his blood against his will. When the defendant refused to cooperate, the next likely sequence of events very well could have been the possible injury of a police officer attempting to enforce the search warrant." ***Id.*** **at 97**. Also applicable to this case, is the Court's determination that that statute requires actual obstruction rather than attempted obstruction. ***Id.*** **at 99 n 10.**

III.Directed Verdict/New Trial

Defendant first argues that the trial court erred in denying her motion for directed verdict or new trial. We disagree.

When reviewing a trial court's decision on a motion for a directed verdict, this Court reviews the record de novo to

determine whether the evidence presented by the prosecutor, viewed in the light most favorable to the prosecution, could persuade a rational trier of fact that the essential elements of the crime charged were proved beyond a reasonable doubt. ***People v Aldrich,* 246 Mich App 101, 122; 631 NW2d 67 (2001).** "Circumstantial evidence and reasonable inferences drawn therefrom may be sufficient to prove the elements of a crime." ***People v Jolly,* 442 Mich 458, 466; 502 NW2d 177 (1993).** It is not permissible for this Court to determine the credibility of witnesses in reviewing a trial court's ruling on a motion for directed verdict. ***People v Schultz,* 246 Mich App 695, 702; 635 NW2d 491 (2001).** Rather, questions regarding witness credibility are left to the trier of fact. ***People v Velasquez,* 189 Mich App 14, 16; 472 NW2d 289 (1991).**

This Court reviews a trial court's decision whether to grant a new trial for an abuse of discretion. ***People v Daoust,* 228 Mich App 1, 16; 557 NW2d 179 (1988).** An abuse of discretion occurs when the decision is manifestly against the great weight of the evidence. *Id.*

This issue also involves statutory interpretation, which is a question of law that this Court reviews de novo. ***People v Thousand,* 465 Mich 149, 156; 631 NW2d 694 (2001).** If the language of a statute is clear, no further analysis is necessary or allowed to expand what the Legislature clearly intended to cover. ***People v Pasha,* 466 Mich 378, 382; 645 NW2d 275 (2002).**

A.The Prosecutor's "Judicial Admission" During Closing Argument

Defendant argues that a directed verdict should have been granted because the prosecutor, by way of "judicial admission," waived part of the prosecution's case, namely that defendant resisted and obstructed by failing to exit her vehicle as ordered

Well, he's trying to, but he won't show me his ID.

No, he doesn't have it with him. So he's calling his supervisor. (Unclear).

He said, well – he said, well, I'd like your ID. I says, I don't have to give it to you. (Emphasis added).

Defendant also argues that the trial court erred in denying her motion for directed verdict or new trial because the evidence did not show that she physically interfered with a police officer's attempt to maintain peace or threatened to do so. We disagree.

Pursuant to **MCL 257.311**, "The licensee shall have his or her operator's or chauffeur's license, or the receipt described in section 311a, in his or her immediate possession at all times when operating a motor vehicle, and shall display the same upon demand of any police officer, who shall identify himself or herself as such." In the trial court, defendant argued that her "display" of the driver's license against the window was sufficient under this statute. "Display" is defined as "to show or exhibit; make visible." **Random House Webster's Unabridged Dictionary 2d ed**. Because the plain meaning of this term is unambiguous, judicial construction is unnecessary. ***Pasha, supra* at 382.**

Based on the plain meaning of the statute, a driver's license is not displayed if the information on the license is not visible. In this case, defendant was driving a Chevy Tahoe, a tall sport-utility vehicle (SUV). Deputy Carter testified that he could not see the information on the license. Defendant put the driver's license through a small slit in the window. But, when Deputy Carter reached for it, defendant pulled it back. As Sergeant White testified, he had to stand on the runner board to see and converse with plaintiff. Thus, the evidence supports a finding that the window was high enough to prevent Deputy Carter from viewing the information on the driver's license when it was pressed against the window or briefly pushed through the one-inch opening. Because Deputy Carter was unable to view the information on the license, it was not displayed.

We further find that defendant's failure to properly display her driver's license amounted to an obstruction. According to

Vasquez, an obstruction is defined as "both violent and nonviolent physical interference." Based on this definition, defendant's refusal to open her window and properly display her driver's license presented a nonviolent physical interference. The vehicle size and the small opening in the window were physical barriers that prevented Officer Carter from viewing the information on the driver's license. Defendant argues that her eventual surrender of her license precludes her conviction. However, several facts weigh against this argument. First, this routine traffic stop took approximately one hour. In *Vasquez,* the Court noted that causing a delay may amount to obstruction. ***Vasquez, supra* at 99 n 10.** Second, defendant's declared fear that the officers were "fake cops" (which may have justified the delay) was countered by evidence including her own statements. Defendant testified that she turned on her tape recorder when approached by Deputy Carter because "police lie." Before Sergeant White arrived, defendant called someone stating that she was in a confrontation with the sheriff's department. Additionally, the dispatcher was taped telling defendant that the officers were employed by the sheriff's department. Third, and most important, defendant displayed the documents only after Sergeant White threatened to break her window. As reflected in both the audio and videotapes of this event, defendant explicitly stated that she was handing over the documents because she was under duress and felt threatened. Defendant's refusal to comply with the officers' request to turn over her documents, although passive conduct, rose to the level of threatened interference because the officers were put in a situation in which in order to obtain the documents, they would have had to break the window of her vehicle and obtain them against defendant's will. ***Id.* at 97; *Philabaun, supra.***

Furthermore, the evidence showed that Deputy Carter requested plaintiff's registration and proof of insurance in his initial contact with defendant. The documents that defendant ultimately produced included an improper registration that did not include the VIN of the vehicle she was then driving and an expired proof of insurance. Defendant argues that she could not be convicted of resisting and obstructing for failing to provide documentation that she did not possess. However because defendant possessed faulty registration and proof of insurance, the real question is whether defendant's delay in displaying these documents obstructed Deputy Carter's investigation. As with the driver's license, defendant did not produce these items until Sergeant White threatened to break the window of her vehicle. Additionally, she withheld them even after she had verification by both Sergeant White and the 911 dispatcher that the officers were not "fake cops."

D.Oaths of Office

Defendant next argues that the trial erred in denying her motions for directed verdict and new trial because the prosecution failed to prove Deputy Carter and Sergeant White were officers, an element of the charged crime. Defendant has failed to produce one citation to case law, statute, or court rule for authority that an oath of office must be "executed" in a person's "legal name" or as to what constitutes a "legal name." At trial, defendant presented oaths of office that she found on file. Deputy Carter testified that he swore and signed an oath of office. Upon viewing a copy of his signed oath of office, he testified that he used the name "E. Carter." Sergeant White also identified an oath of office for "Paul Ray White," which he testified is his name, although he goes by "Raymond White." Therefore, there was evidence that both officers swore oaths of office and filed the same.

Defendant also argues that the prosecution failed to prove that the officers were in fact employed by the sheriff's department.

Defendant specifically argues that agency may not be established by proof of declarations by the supposed agent which is a correct statement of the law contained in ***In re Union City Milk Co,* 329 Mich 506, 513; 46 NW2d 361 (1985).** However, the prosecution did not have the burden of proving that the officers were agents of the police department. The relevant element of the crime is that the obstruction be of an officer. The prosecution presented testimonial evidence that Deputy Carter and Sergeant White were police officers. Whether this was true was a question of credibility for the jury to decide. Even if the prosecution were required to specifically prove the officers' agency, defendant overlooks the evidence of the audiotape in which the dispatcher verified that Deputy Carter and Sergeant White were employed by the sheriff's department.

Viewing the evidence in the light most favorable to the prosecution, a rational trier of fact could find the elements of the charged crime were proved beyond a reasonable doubt and the verdict was not manifestly against the clear weight of the evidence. Therefore, the trial court did not err in denying defendant's motion for directed verdict or new trial.

III.Jury Instructions

Defendant next argues that the trial court erred in instructing the jury. We disagree.

Generally, preservation requires an objection in the trial court to an instruction that was given or a request that the trial court give an omitted instruction. **MCR 2.516(C); MCL 768.29; *People v Mills*, 450 Mich 61, 80-81; 537 NW2d 999 (1995).** Any error that was not properly preserved, this Court reviews for plain error affecting the defendant's substantial rights. ***People v Knapp*, 244 Mich App 361, 375; 624 NW2d 227 (2001),** citing ***People v Carines*, 460 Mich 750, 766-767; 597 NW2d 130 (1999).** A preserved instructional error is reviewed

for harmless error. ***People v Cornell,* 466 Mich 335, 362-364; 646 NW2d 127 (2002).**

This Court reviews de novo a defendant's claim of instructional error. ***People v Hubbard (After Remand),* 217 Mich App 459, 487; 552 NW2d 593 (1996).** This Court reviews jury instructions in their entirety, rather than piecemeal, to determine whether the trial court committed error requiring reversal. ***People v Piper,* 223 Mich App 642, 648; 567 NW2d 483 (1997).** "Even if somewhat imperfect, instructions do not create error if they fairly presented the issues for trial and sufficiently protected the defendant's rights." *Id.*

First, defendant argues that the trial court erred in failing to instruct the jury that defendant could not be convicted of resisting and obstructing if her actions were in furtherance of her constitutional rights, specifically the **First Amendment** right of freedom of association and the **Fifth Amendment** right to remain silent. The trial court correctly refused to give this instruction because the charge against defendant was that she failed to display her driver's license, registration, and proof of insurance. Thus, defendant's refusal to associate with or speak to the officers was not related to the charges against her. It would have been inaccurate for the trial court to instruct that plaintiff could be found not guilty for exercising these constitutional rights because the charges against her did not relate to any act that would have fallen within her exercise thereof.

Second, defendant argues that the trial court erred in instructing the jury that the police have authority to order a person out of a vehicle during a routine traffic stop. This instruction did not relate directly to an element of the charge against defendant because defendant's refusal to exit her vehicle was not a basis for the charge against defendant. Nonetheless, the instruction related to the jury that Sergeant White had authority to order

defendant to exit her vehicle. Therefore, the instruction was not improper because if fairly presented an issue raised at trial.

Third, defendant argues that the trial court erred in denying her request to instruct the jury that if they found that the officers did not file appropriate oaths of office that a verdict of not guilty must be entered. The trial court did not err in providing this instruction. One of the elements of the charge is that the person defendant resisted or obstructed be an officer. Defendant's requested instruction would not have fairly presented this issue. First, although defendant presented her own testimony that the oaths of office filed were not appropriate, defendant did not present any authority regarding what constitutes a valid oath of office. Thus, to instruct the jury that failure to file "appropriate oaths of office" must result in a verdict of not guilty would have been incomplete and inaccurate. Further, as discussed *supra*, there was evidence of that Deputy Carter and Sergeant White were employed by the sheriff's department.

Finally, defendant argues that the trial court erred in instructing the jury "Now you've heard testimony from witnesses who are police officers." Defendant did not object to this instruction so it is forfeited unless defendant shows that it was plain error affecting her substantial rights. Defendant argues that this instruction invaded the province of the jury. The trial court instructed the jury: "Now, you've heard testimony from witnesses who are police officers. This testimony is to be judged by the same standard you use to evaluate the testimony of other witnesses." The purpose of this instruction was not to instruct the jury that they should find that Deputy Carter and Sergeant White were police officers. Rather, the purpose was to instruct the jury that they should not give more weight to the testimony of a police officer than that of a non-police officer. Even if the instruction could be construed as invading the province of the jury, the trial court provided a curative

instruction. The trial court instructed the jury "You're the only judges of the facts and you should decide this case from the evidence." The trial court also instructed: "My comments, rulings, questions, and instructions are also not evidence." As a general rule, jurors are presumed to follow their instructions. ***People v Dennis*, 464 Mich 567, 581; 628 NW2d 502 (2001).** Therefore, defendant has failed to show that the trial court's instruction was plain error affecting her substantial rights.

IV. Sentencing

Defendant next argues that the trial court erred in sentencing defendant. We find that it did not, but it erred in imposing a $60 crime victims rights fee for defendant's misdemeanor conviction because the correct fee for a misdemeanor is $50.

Defendant failed to preserve this issue by raising it below and thus review is precluded unless she demonstrates plain error that affected her substantial rights. ***People v Kimble*, 252 Mich App 269, 277-278; 651 NW2d 798 (2002); *Carines, supra* at 763-764.** This Court reviews sentencing issues for abuse of discretion. ***People v Rice (On Remand)*, 235 Mich App 429, 445; 597 NW2d 843 (1999).**

At the time of defendant's sentencing, **MCL 750.479** provided: "Any person who shall knowingly and willfully obstruct, resist or oppose any sheriff . . . shall be guilty of a misdemeanor punishable by imprisonment in the state prison not more than two (2) years, or by a fine of not more than one thousand [1,000] dollars."[3] Here, the trial court sentenced defendant to pay a fine of $1,000. The trial court also imposed a $60 crime victims rights fee. The trial court noted before sentencing defendant that she had served one day in jail for which she was given credit.

Defendant first argues that the trial court erred in imposing both a one day prison sentence and a $1,000 fine. However, the

record clearly shows that this one day in jail was not a sentenced imposed by the trial court. Rather, the trial court recognized that defendant had spent one day in jail prior to sentencing, for which she gave defendant credit.[4]

---

3 Effective July 15, 2002, the statute was amended to provide in relevant part: "[A] person who violates this section is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of more than $2,000, or both."

4 Even if the trial court had sentenced defendant to both a fine and imprisonment, we find no error. Pursuant to **MCL 769.5** "Whenever it is provided that an offender shall be punished by . . . fine or imprisonment, the court may impose both such fine and imprisonment in its discretion." ***People v Krum*, 374 Mich 356, 361; 132 NW2d 69 (1965); *People v Lueth*, 253 Mich App 670, 691; 660 NW2d 322 (2002).**

Defendant also argues that the trial court erred in imposing a fine over $1,000. Specifically, defendant argues that the crime victims rights fee was part of defendant's sentence. Under the Crime Victims Rights Services Act (CVRSA), **MCL 780.901 *et seq*, MCL 780.905(1)** provides: "The court shall order each person convicted of a felony to pay an assessment of $60.00 and each person convicted of a serious misdemeanor or a specified misdemeanor to pay an assessment of $50.00." Thus, this assessment was not part of defendant's sentence, but rather, a fee that the trial court was required to assess pursuant to the CVRSA. "[T]he Legislature, pursuant to the authority granted it under **Cont 1963, art 1 § 24(2) and (3),** has provided for the assessment against certain defendants for the benefit of all victims." ***People v Mathews*, 202 Mich App 175, 177; 508 NW2d 173 (1993).**

Although both of defendant's arguments are without merit, the trial court erred in imposing a $60 crime victims rights fee on defendant who was only convicted of a misdemeanor. **MCL 750.479**. Pursuant to **MCL 780.905**, the correct assessment for

a misdemeanor is $50. Therefore, we remand for a correction in this regard.

V.Motion to Quash Information/Dismissal/Directed Verdict

Defendant next argues that the trial court erred in denying defendant's motions to quash the information and for dismissal/directed verdict. We disagree.

This Court reviews the circuit court's analysis of a bindover de novo and the magistrate's bindover decision for an abuse of discretion. ***People v Hudson*, 241 Mich App 268, 276; 615 NW2d 784 (2000).** A trial court's ruling on a motion to dismiss is reviewed for abuse of discretion. ***People v Adams*, 232 Mich App 128, 132; 591 NW2d 44 (1998).** A trial court's ruling on a motion for directed verdict is reviewed de novo. ***Aldrich, supra* at 127.**

To bind a defendant over for trial on a felony charge, the magistrate must find that there is sufficient evidence to indicate that a felony has been committed and probable cause that the defendant committed it. ***People v Hill*, 433 Mich 464, 469; 446 NW2d 140 (1980).** There must be evidence of each element of the crime charged or evidence from which each element may be inferred. *Id.* Probable cause "signifies evidence sufficient to cause a person of ordinary prudence and caution to conscientiously entertain a reasonable belief of the accused's guilt." ***People v Justice (After Remand)*, 454 Mich 334, 344; 562 NW2d 652 (1997) [quoting *Coleman v Burnett*, 155 US App DC 302, 316-317; 477 F2d 1187 (1973)].** **MCL 750.479** states: "[a]ny person who knowingly and willfully obstructs, resists or opposes any [police officer] in attempting to . . . execute any process, rule or order issued by lawful authority" is guilty of violating the statute. As discussed *supra*, our Supreme Court construed "obstruct" to mean both violent and nonviolent physical interference. ***Vasquez, supra.*** "[B]oth

physical interference that poses a threat to the safety of police officers ("assault, beat, or wound") *and* physical interference that does not necessarily, but nevertheless may, pose a threat to the safety of police officers ("obstruct, resist, [or] oppose") are proscribed." ***Id.*** **at 94**. The evidence at the preliminary examination was sufficient to allow the magistrate to find probable cause that defendant obstructed Deputy Carter's investigation during a routine traffic stop by withholding her driver's license, registration, and proof of insurance even after Deputy Carter produced verification of his identity and defendant herself received confirmation of his identity from a 911 dispatcher.

Defendant also argues that the finding of probable cause was improper because Deputy Carter failed to tell the truth, the whole truth and nothing but the truth in the initial swear to of the complaint. Specifically, defendant contends that Deputy Carter failed to tell the magistrate that defendant eventually turned over her driver's license and "did not have the registration." Defendant contends that this would have "eliminated any pretence of probable cause." However, as discussed *supra,* defendant's eventual surrender of her driver's license did not preclude her conviction, let alone a finding of probable cause because the resisting and obstructing arose from the act of refusing to display the documents thereby causing a physical interference that resulted in a delay of Deputy Carter's investigation. With regard to the registration, the evidence supported the charge of resisting and obstructing because defendant possessed faulty registration, but failed to display it as requested until Sergeant White threatened to break the window of her vehicle.

Therefore, the district court did not abuse its discretion by binding defendant over on the charge of resisting and obstructing a police officer. Consequently, the trial court did

not err in denying defendant's motions to quash the information and for dismissal/directed verdict.[5]

VI. Amendment to Information

Defendant next argues that the trial court erred in allowing an amended information after the preliminary examination. We find that it did not.

Before, during, or after trial, a court may permit the prosecutor to amend the information unless the proposed amendment would unfairly surprise or prejudice the defendant. **MCR 6.112[(H)]; *People v Goeke*, 457 Mich 442, 473; 579 NW2d 868 (1998).** The circuit court did not add a charge in this case, but rather amended the original information to assert that defendant "knowingly and willfully obstruct[ed] . . . Deputy E. Carter and/or Sergeant R. White" rather than that defendant "knowingly and willfully obstruct[ed] . . . Deputy E. Carter . . . [.]" This amendment did not result in the addition of a new charge and could not have surprised or otherwise unfairly prejudiced defendant because Sergeant White testified at the preliminary examination and was subject to defendant's cross-examination. Therefore, we find the trial court did not err in allowing the amended information.

VII. Request for Counsel

Defendant next argues that the district and circuit courts deprived defendant of equal protection by denying her request for assistance while she proceeded in propria persona. We find that they did not.

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5 Defendant also complains that the prosecution failed to provide a true copy of the complaint. However, we decline to address this issue because it is not set forth in defendant's statement of the issues presented. ***People v Brown*, 239 Mich App 735, 748; 610 NW2d 234 (2000).** In any event,

defendant has failed to discuss how a true copy would have differed from the copy filed in the lower court and available to defendant from the time of filing.

To begin with, defendant addresses this issue very generally failing to point out at which "critical stages" of trial she was denied assistance. She also fails to discuss fully how she requested "assistance," the person whose assistance she sought, or exactly how the trial court addressed defendant's request. Additionally, defendant does not cite to the record once in her brief on this issue as required by **MCR 7.212(C)(7).** A defendant may not merely announce his position and leave it to this Court to discover and rationalize the basis for his claims. ***People v Watson,* 245 Mich App 572, 586; 629 NW2d 411 (2001).** Failure to cite to the record results in abandonment. *Id.*

Despite this deficiency, we address defendant's argument which is based on **the Sixth Amendment** right to effective assistance of counsel and the equal protection clause. "Whether a person has been denied effective assistance of counsel is a mixed question of fact and constitutional law. ***People v LeBlanc,* 465 Mich 575, 579; 640 NW2d 246 (2002).** This Court reviews the trial court's factual findings for clear error. *Id.* This Court reviews constitutional questions de novo. *Id.* To establish a denial of effective assistance of counsel, a defendant must prove that his counsel's performance was deficient in that, under an objective standard of reasonableness, defendant was denied his Sixth Amendment right to counsel. ***People v Carbin,* 463 Mich 590, 599-600; 623 NW2d 884 (2001).** The equal protection guarantee requires persons under similar circumstances to be treated alike. **U.S. Const, Am XIV; Const 1963, art, sec 2.**

Although defendant argues that she was denied her right to effective assistance of counsel, she does not argue that her

counsel was ineffective. Rather, in an unusual interpretation of the phrase "effective assistance of counsel," defendant argues that she, proceeding in propria persona, was entitled to assistance by a non-lawyer of her choice.[6] She further argues that the trial court's denial of her request violated her right to equal protection. Thus, this issue evades the standard analysis of whether a defendant was denied effective assistance of counsel. However, a review of the lower court record reveals that defendant was not denied effective assistance of counsel or equal protection because (1) she was allowed to proceed in propria persona as she requested, (2) was permitted to consult with the non-lawyer from whom she sought assistance, (3) was additionally provided with the assistance of a licensed attorney, and (4) was allowed to proceed to trial with her "second choice" attorney.

VIII.Cumulative Errors

Defendant also argues that she denied a fair trial by the cumulative effect of harmless errors. Because we do not find any errors, reversal is not warranted due to cumulative error. ***People v Daoust,* 228 Mich App 1, 16; 577 NW2d 179 (1998).**

---

6 We note that the "counsel" defendant requested was not licensed to practice law in Michigan, has been sued by the State Bar for practicing law without a license, and is permanently enjoined from practicing law in this state.

Affirmed and remanded for correction of the crime victims rights fee.

/s/ Michael J. Talbot
/s/ Janet T. Neff
/s/ Kirsten Frank Kelly

Appendix of Cases Noted in
COA Unpublished Opinion - State v Heldt - dated June 24, 2003

Constitution:

U.S. Const, Am XIV
Const 1963, art, sec 2.
Cont 1963, art 1 § 24(2) and (3)
Fifth Amendment
First Amendment
Sixth Amendment

Court Cases - United States:

***Coleman v Burnett,* 155 US App DC 302, 316-317; 477 F2d 1187 (1973)**

Michigan Compiled Law

MCL 257.311
MCL 750.479
MCL 768.29
MCL 769.5
MCL 780.901
MCL 780.905
MCL 780.905(1

Michigan Court Rules:

MCR 2.516(C)
MCR 6.112[(H)];
MCR 7.212(C)(7)

Other:

Random House Webster's Unabridged Dictionary 2d ed.
Crime Victims Rights Services Act (CVRSA),

Appendix of Cases Noted in
COA Unpublished Opinion - State v Heldt - dated June 24, 2003

Court Cases - Michigan or Michigan Appellate:

In re Union City Milk Co, 329 Mich 506, 513; 46 NW2d 361 (1985)
People v Doyle, 451 Mich 93, 100-101; 545 NW2d 627 (1996)
People v Adams, 232 Mich App 128, 132; 591 NW2d 44 (1998)
People v Aldrich, 246 Mich App 101, 122; 631 NW2d 67 (2001)
People v Brown, 239 Mich App 735, 748; 610 NW2d 234 (2000)
People v Carbin, 463 Mich 590, 599-600; 623 NW2d 884 (2001)
People v Carines, 460 Mich 750, 766-767; 597 NW2d 130 (1999)
People v Cornell, 466 Mich 335, 362-364; 646 NW2d 127 (2002).
People v Daoust, 228 Mich App 1, 16; 557 NW2d 179 (1988)
People v Daoust, 228 Mich App 1, 16; 577 NW2d 179 (1998).

People v Dennis, 464 Mich 567, 581; 628 NW2d 502 (2001)
People v Goeke, 457 Mich 442, 473; 579 NW2d 868 (1998)
People v Hill, 433 Mich 464, 469; 446 NW2d 140 (1980)
People v Hubbard (After Remand), 217 Mich App 459, 487; 552 NW2d 593 (1996)
People v Hudson, 241 Mich App 268, 276; 615 NW2d 784 (2000)
People v Jolly, 442 Mich 458, 466; 502 NW2d 177 (1993)
People v Justice (After Remand), 454 Mich 334, 344; 562 NW2d 652 (1997)
People v Kimble, 252 Mich App 269, 277-278; 651 NW2d 798 (2002)
People v Knapp, 244 Mich App 361, 375; 624 NW2d 227 (2001)
People v Krum, 374 Mich 356, 361; 132 NW2d 69 (1965);
People v LeBlanc, 465 Mich 575, 579; 640 NW2d 246 (2002)
People v Lueth, 253 Mich App 670, 691; 660 NW2d 322 (2002).
People v Mathews, 202 Mich App 175, 177; 508 NW2d 173 (1993).
People v Mills, 450 Mich 61, 80-81; 537 NW2d 999 (1995)
People v Neal, 459 Mich 72, 80; 586 NW2d 716 (1998)
People v Pasha, 466 Mich 378, 382; 645 NW2d 275 (2002).
People v Piper, 223 Mich App 642, 648; 567 NW2d 483 (1997)
People v Rice (On Remand), 235 Mich App 429, 445; 597 NW2d 843 (1999).

People v Schultz, 246 Mich App 695, 702; 635 NW2d 491 (2001)
People v Thousand, 465 Mich 149, 156; 631 NW2d 694 (2001)
People v Vasquez, 465 Mich 83; 631 NW2d 711 (2001)
People v Velasquez, 189 Mich App 14, 16; 472 NW2d 289 (1991).
People v Watson, 245 Mich App 572, 586; 629 NW2d 411 (2001)

APPENDIX - D -

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{ »» AMENDED
06/25/2003 »» ;

CASE NO. 1906-166727-FH

STATE OF MICHIGAN 6TH JUDICIAL CIRCUIT
OAKLAND COUNTY (JUDGMENT OF
SENTENCE
,) COMMITMENT TO JAIL

ORI : M I -630015J COURT ADDRESS : 1200 N. TELEGRAPH RD.

PONTIAC, M I 48341

THE PEOPLE OF

THE STATE OF MICHIGAN

V

HELDT,
LINDA, ANN

7706 GRANITE (310) 761-0961
WASHINGTON TWP MI 48094
CTN
SID
DOB

63-20-C20350-01 08/23/52

THE COURT FINDS; ----------

THE DEFENDANT PLEAD/POUND GUILTY ON 04/27/2001 OF THE CRIME(S) AS STATED BELOW

CONVICTED BY , G

CNT ;r^«;CO.RT,,.«., C8IME CHARGE (S)

CODE(S)

001 . / 1 1 G , POLIOS OFC R 5, 0 \ 752.479 - B

i i it" , i—

!—{

DEFENDANT WAS REPRESENTED BY An ATTORNEY: DOUGLAS A.., MCKINNEY, P35430

IT IS ORDERED;

PAY; FINE: $1,000.00
$50.00 VICTIMS RIGHTS PEE.

OTHER: FINE OF $1000 TO BE PAID BY AUGUST 10. 2001. IF FINE IS NOT PAID BY AUGUST 10, 2001, DEFENDANT TO SERVE 45 DAYS IN OCJ. JUDGMENT AMENDED PER UN-PUBLISHED COURT OF APPEALS ORDER DATED JUNE 24, 2003 TO REFLECT CRIME VICTIMS FEE OF $50. AND NOT $60
FEE OF ^0 AND NOT ^o! DATED JUNE 24, 2003 TO REFLECT AAE VICTIMS

DATE : 07/11/2001 (SEAL) WENDY L. POTTS

UNDER MCL 760.1GA THE COURT CLERK SHALL SEND A COPY OF THIS ORDER TO THE MICH STATE POLICE CENTRAL RECORDS DIV TO CREATE A CRIMINAL HISTORY RECORD.

MC 219 JUDGMENT OF SENTENCE/COMMITMENT TO JAIL
OAKLAND COUNTY SHERIFF'S DEPT

DEFENSE ATTORNE

APPENDIX - E -

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Reproduction in part

STATE OF MICHIGAN

IN THE 52/3 JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff

v Case No. 99-003418

LINDA ANN HELDT,

Defendant.

_____/

ADJOURNMENT OF PRELIMINARY EXAMINATION

BEFORE THE HONORABLE JULIE A. NICHOLSON, P-40515

Rochester Hills, Michigan - May 17, 1999

APPEARANCES:

For the People

•-- •- -MS. CLARA S. MCCARTHY, P-49185
Assistant Prosecutor
County of Oakland
(248) 858-0656
For the Defendant

IN PRO PER
7706 Granite
Washington Twp., MI 48094

Recorded **by**:

Jennifer L. Przybylo,
CER-5852
Certified Court Recorder
(248) 853-5553

Rochester

Hills, Michigan.

May 17, 1999

At 9:03 a.m.

THE COURT: Calling docket No. 99-003418, People versus Linda Ann Heldt.

MS. McCarthy: Good morning, your Honor. Clara Scholia McCarthy on behalf of the People.

THE COURT: Is Ms. Heldt here?

MS. McCarthy: Yes, your Honor. Ms. Heldt is present in the courtroom. She is actually seated right in front of the Court.

Ms. Heldt?

THE COURT: Okay. Before we proceed today, Ms. Heldt, I do have your motion. We've also got an exam set for today. I'm going to advise you again of your right to an attorney. You understand that you do have a right to-an attorney that you may retain, and if you cannot afford an attorney, the Court may appoint one for you. You understand those rights? Ms. Heldt?

THE DEFENDANT: I'm sorry, your Honor. I still have to look for a piece of paper that I'm missing at the moment.

THE COURT: Okay. Well, if you want to just look at me, I'm asking you a question, whether or not you understand your right to an attorney if you can afford one, and the Court may appoint one for you. You understand Chat right?

THE DEFENDANT: Your Honor, I have a contract and a limited power of attorney with Douglas Dwight Bennett to act in my behalf in this matter before the Court. Mr. Bennett is not a person licensed under MCL 600 916 to use the licensed words as an attorney and counselor, attorney at law, that is regulated under the Commerce clause and regulated by the Supreme Court. My understanding of MCL 600 916 is that as long as Mr. Bennett is not in use of the term to represent or designated himself to attorney at law, lawyer, attorney, or counselor, he is not in violation of MCL 600 916. Under the Commerce clause of the Constitution of this State papers on file, the State Bar of Michigan and its members have exclusive right to the use of the aforementioned terms and on person unless licensed by the State Bar of Michigan.

THE COURT: Okay. So what's your response? You want

an attorney or you don't want an attorney?

THE DEFENDANT: I have a choice of counsel, your Honor. I'm exercising that right.

THE COURT: You have a choice of counsel, exactly, a licensed attorney by the State of Michigan.

THE DEFENDANT: I'm sorry, your Honor. According to the Michigan Constitution, is does not say licensed attorney.

THE COURT: Hang on a second. I just want to look at this one statute you cited. Do you have it with you?

THE DEFENDANT: The Constitution?

THE COURT: No. I don't want the Constitution. I want the statute that you cited. Do you have it with you?

THE DEFENDANT: No, ma'am.

THE COURT: You made a citation of a statute that you are relying as your support for your basis that you have your right to an attorney to represent you who is not licensed by the State of Michigan. Do you have a copy of that statute with you?

THE DEFENDANT: I do not have that statute.

THE COURT: I didn't ask you for the Constitution.

THE DEFENDANT: Pardon me? Pardon me, your Honor?

THE COURT: I didn't ask about the Constitution. I thought you were going to show me that.

Give me your citation again; 600 691, is that what **you** said?

THE DEFENDANT: 600 916.

THE COURT: Okay. I've got the prosecutor's response to the motion. I just saw -- did you have a brief as well or just the response?

Reason why this Court should recuse itself. It seems to me we have here now, this is the third to me the exam has been. People have been ready to proceed each and every tome. The exam has been adjourned to today with specific instructions by the Court to the defendant to get counsel so that she may be advised in the course of these proceedings.

Your Honor, in response to her motion for recusal, I see no reason for the Court to recuse itself, nor do I have any ides what she's discussing when she talks about a civil liability or a civil suit.

THE COURT: for the record, I was served, I believe either late Friday or early today, with a lawsuit that Ms. Heldt has filed against me. against the State Bar of Michigan, against every officer of the State Bar of Michigan, against Ralph Nelson, the district court judges also in this court, also against

Candice Miller, the Secretary of State.

What's your request recusal? Is it based upon the filing of that lawsuit?

THE DEFENDANT: yes

THE COURT: That's what it's based upon? at this point in time, I'm going to deny the request for recusal. I'm not going to disqualify myself. You have filed a suit based upon a decision that I made in this particular action, so that's not a basis for disqualification pursuant to MCR 2.003.

THE DEFENDANT: What was that rule?

THE COURT: It's in the court rules, 2.003.

THE DEFENDANT: 2.003?

THE COURT: Call your first witness. Counsel.

MS. McCarthy: Thank you, your Honor.

THE DEFENDANT: Your Honor, you also have before you a request and notice --

THE COURT: Hang on a second. Another thing I want to put on the record is that the defendant has been offered the opportunity to retain an attorney several times, in fact, multiple times. She has refused to do so. Also, she has also been offered the services of a court-appointed attorney, which she did turn down as well at the

last proceeding. Mr. Bagdade was appointed by this Court to represent her, and she indicated through her attorney at that time that she did not want his representation, that she was going to procure her own attorney. This is the third time we have been here for this preliminary examination. The witnesses have been present all three times. We are going to go ahead and proceed at this time.

THE DEFENDANT: Your Honor, when I talked to Bagdade outside, he refused to handle the case.

THE COURT: Why didn't you tell me that at the time?

THE DEFENDANT: And I did not contract with him. You put me under duress to go out with him.

THE COURT: I did not put you under duress, Ms. Heldt.

Call your first witness.

APPENDIX - F -

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STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff, Criminal Action
vs. No. 99-166727-FH
LINDA ANN HELDT, HON. WENDY POTTS
Defendant,
/ VOLUME 1
PAGES 1 TO 233

Proceedings had and testimony taken in the above-captioned matter before the HONORABLE WENDY POTTS, Circuit Court Judge, 6th Circuit Court for the State of Michigan, held at Pontiac, Michigan, on Monday, April 23, 2001, as transcribed from videocassettes by Mary Jeanne Henn, CSR 2904.

APPEARANCES:

JUSTIN DAVIS, Appearing on behalf of the People.

DOUGLAS A. McKINNEY, Appearing on behalf of the Defendant.

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EUGENE CARTER

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EXHIBITS

NUMBER	OFFERED	RECEIVED
People's Exhibits 1, 2 & 3	67	69
People's Exhibit 4 & 5	74	77
People's Exhibit 6	79	79
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Pontiac, Michigan
Monday, April 23, 2001
THE DEFENDANT: -- of the actions

and I am here on behalf of the corporate entity, Linda Ann Heldt, fictitious person who is the alleged defendant, which I have been informed by this Court and the lower courts many times that the person being charged is a corporate entity and is not the natural citizen in Michigan with body and soul.

In fact, there is a document in the file from April of 1999 that states that I reserved all of my rights. I have not waived any of my unalienable rights. I know of no contract that I have entered into with the State of Michigan or know of any laws that have been violated. I requested choice of counsel according to the Constitution of the United States, Amendment 6.

I have no knowledge of any contract that I have entered into and the prosecution has not provided any contracts. I have no knowledge of any power of attorney with you with regard to delegation of authority and/or someone to act on my behalf to represent the facts.

And at April 18 I asked you to produce your delegation of authority so that I could

have discovery. As you know, the writ was denied at this point, but it had some erroneous and confusing statements and it will be corrected within 14 days.

There is a Supreme Court case that says it is very critical in the criminal proceedings that the defendant have choice of counsel, and that means from bind over through trial. And if that is denied, then the court loses jurisdiction. I told Judge Nelson last year that I would find truth and justice, and I continue to proceed because I am still looking for the truth and justice.

For the record I have several

administrative issues that need to be addressed before the trial proceeds.

For the record, would you please state your name, rank, and by what authority you are proceeding with this case, Your Honor?

THE COURT: I have some questions to ask you, Ms. Heldt, and I want you to listen very, very carefully. The Court is not here to answer questions.

THE DEFENDANT: Okay.

THE COURT: First of all, I am speaking. You will answer my questions.

Do you understand that you are

charged with resisting and obstructing a police officer, which is a two-year misdemeanor or a fine of $1,000.00?

THE DEFENDANT: No, your Honor, I -- for the record, I move to strike your order of April 18.

THE COURT: All right.

THE DEFENDANT: Because --

THE COURT: Second of all --

THE DEFENDANT: Because --

THE COURT: Excuse me.

THE DEFENDANT: Excuse me, Your Honor.

THE COURT: I only want a yes or no.

Second of all, I want to tell you that in representing yourself, if that's what you choose to do, you will not be able to present your side of the case as effectively as if somebody was asking you the questions. You may have a defense to this charge, you may very well have a defense. But

for you to take the stand, someone is going to have to ask you questions and it's going to have to be a lawyer from the State of Michigan who has been licensed and has their state -- is a licensed lawyer

of the State of Michigan.

So if you have a defense to this case that you want to present, the best way to do it is taking the stand as a witness.

In addition, could you just tell me what was your -- did you go to, complete high school?

THE DEFENDANT: I have a college degree. I have a Bachelor's in management information systems.

THE COURT: Okay, all right. Well, I think you are intelligent enough to make this decision on your own as to whether or not you want to be represented by counsel.

As to the fact that the request is unequivocal, I think you have asserted that in front of this Court on numerous occasions, that you want to represent yourself or have Mr. Bennett represent you. And I have indicated that since he is not an attorney with the State that he cannot represent you, but I did say he could sit next to you and confer with you during the trial.

In addition, I am going to, I have Mr. Lawrence Klusney, who is here, if you have questions about evidence or anything else. I have appointed him to assist you. If you want to take the

stand and give him a list of questions to ask you when you're on the stand, he is available to do that. In addition, he's available to take over at any time if

you wish him to take over. If you don't want him to do anything, he's just going to sit there. But he is available if you need him.

I do find that -- I have explained to you the risks of self-representation, particularly in getting your side of what occurred on that date out to the jury.

In addition, I have read over the voir dire questions that both of you have submitted. I have selected those which I consider to be appropriate under the statutes and Court Rules in the State of Michigan, and I will be asking the jury those. Attorneys, parties will not be allowed to ask any voir dire questions.

Opening statements are limited to fifteen minutes each. Fifteen minutes each if you want to make an opening statement, fifteen minutes. Then we'll begin with the witnesses.

I will tell the jury panel that I believe the trial will take two days, today and tomorrow. Do you believe that would be a fair representation?

MR. DAVIS: Yes, Your Honor, I believe that would be fair.

THE COURT: Ms. Heldt?

THE DEFENDANT: For the record, Your Honor, I strike your order because of the seven-day rule. It doesn't purport to what was said on the record, and it wasn't stipulated by the -- by both Justin Davis and myself. And it indicated that the trial would begin on April 23rd, which I have notice that -- I had gotten notice from the Court that it had been adjourned to April 27th. Ahd then for no good reason that was stated on the record, you moved

the court date up four days, which didn't give me time to subpoena my witnesses and prepare all my documents, you know, for the proceedings.

THE COURT: The Court should note that this case is almost two years old, has been up numerous times, that the Court advanced the trial by a very few days because of my schedule. I am going to be out of the court and so, therefore -- I'm going to be out on Thursday, and for docket adjustment and for other reasons and the fact that all witnesses were available and ready, I am going to proceed with the trial today.

THE DEFENDANT: For the record,

Your Honor, also the transcript of March 7 is still in question. I indicated on April 18 that I alleged that the tape proceedings were not properly preserved, and I believe I stated that they were tampered with. And as I looked over the transcript and the tape again, they were in sync with each other, but there was like twenty minutes in the beginning of the tape that were totally missing and for me to have my appeal preserved, I need to know what you're going to do about it.

THE COURT: Okay. We'll try to reconstruct that in the event that you're found guilty and want to appeal it. If it's not guilty, that becomes a moot question. But I will deal with it if that should arise.

THE DEFENDANT: Also --

THE COURT: In addition, if you want Mr. Klusney to be seated up at this table, please let me know. Do you want him to be seated up at the table?

THE DEFENDANT: Your Honor, you court appointed an attorney, and I indicated that you have no delegation of authority to do that. Mr. Bennett has been my first choice of counsel. I'm not sure if you are aware that he has an injunction

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against him, and if that is so then you probably need to call the Supreme Court and see what you need to do with that.

THE COURT: Well, he's not going to be presenting, speaking, objecting or doing anything in this court but conferring with you and sitting next to you at the table.

THE DEFENDANT: According to the injunction he's not able to do that, and since --

THE COURT: Is that true? May I see that, please? I'm not aware of that.

MR. DAVIS: May I approach the bench?

THE DEFENDANT: I'm making you aware of that, Your Honor.

THE COURT: Thank you. All right. I was not aware of that. Let me just see.

All right. It does appear that Mr. Bennett has been enjoined from doing what I asked him to do, so he may not sit at counsel table.

THE DEFENDANT: Could I have an order with regard to that, to correct the record, Your Honor?

THE COURT: Well, I don't think there's any order that I have entered written. But

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unfortunately, I thought it would make sense to have Mr. Bennett sitting next to you, but I was not aware

of this, so.

Are you Mr. Bennett?

THE DEFENDANT: No.

THE COURT: Oh, okay. I'm sorry.

THE DEFENDANT: Mr. Bennett is back there.

THE COURT: All right. That's fine.

THE DEFENDANT: Okay. The other --

THE COURT: Thank you.

MR. DAVIS: This is the Court's copy, Your Honor.

THE COURT: All right.

THE DEFENDANT: Since Douglas Bennett cannot sit as counsel for me, my attorney, my second choice would be Douglas McKinney, and he is -- I believe has all the paperwork that you require.

THE COURT: Okay. Are you Mr. Kenny?

MR. McKINNEY: For the record, Your Honor, Douglas A. McKinney. I am a licensed attorney, and I have been retained by Ms. Heldt to proceed in this matter.

THE COURT: Okay

APPENDIX - G -

Reproduced and reformatted, Douglas Dwight Bennett has original document presented to The State Bar of Michigan and original response by The State Bar of Michigan

Douglas Dwight Bennett
c/o 24689 Frontier Circle
Flat Rock, Michigan state, [48134]

FOI Coordinator
Supreme Court of the State of Michigan and/or the Michigan Supreme Court
Att. Supreme Court of the State of Michigan and/or the Michigan Supreme Court
Law Building, 2nd Floor
Lansing, Michigan state, in the united States

Please Reference No.1

HAND DELIVER

Date: June 21, 2003

ATTENTION: Freedom of Information Coordinator

Ref: Request under Freedom Of Information Act/Privacy Act/Open Meeting Act and Common Law.

This is a request under the Michigan Freedom Of Information Act. **I request that you send me copies,** or upon further request, certified copies of the following

documentation, records and information:

Part 1 - - - Provide a copy of the Form commonly known as Contempt - - - Unauthorized practice of law as contempt of court. Am. Jur. 2d. Contempt § 81, of § 11 as found on pages 555, 566 and 567 of American Jurisprudence Pleading and Practice Forms Annotated, State and Federal Procedure §§ 1292 - End, as required by Federal Law.

Sub part A. of 1 - - - Provide within the name Affidavit name, name of president of the State Bar of Michigan at the time the State Bar of Michigan commenced an action In The Circuit Court for the County of Wayne naming Douglas Dwight Bennett, for temporary injunction Case No. 99-905522 CZ, dated 2/24/99, before Judge Kaye Tertzak.

Sub part B. of 1 Provide a copy of the law in the State of Michigan under the seal of Michigan and seal of the United States as the authority of the action.

Sub. part C. of 1 Provide a copy of the aforementioned document authorizing the action by the Supreme Court of the State of Michigan and/or the Michigan Supreme Court, and of the day the clerk of the court for the Circuit Court for the County of Wayne receive the aforementioned document as described as to Affidavit of____, First Count, Second Count, Third Count, Fourth Count and Conclusion Sworn to and subscribed before as to Am. Jur. 2d. Contempt § 81,of§ 11

as found on pages 555, 566, and 567, from the Supreme Court of the State of Michigan and/or Michigan Supreme Court, signed and under the seal of the Michigan Supreme Court.

If any of my requests are exempt from release, please send me the documents, records and information reasonably separated, and provide me with an index, itemization and detailed justification concerning the documents, records and information that you are not releasing and I ask that you justify any deletions by citing specific exemptions of the FOIA.

I also request that any fees be waived pursuant to MCL 15.234 in that this information will primarily "benefit the general public" and "be in the public interest" once disseminated, and also because it is likely to contribute significantly to the public understanding of the operations or activities of the government.

I promise to pay reasonable search and duplication fees in connection with this request.
(Note: The FOIA permit some fee reduction or waivers).

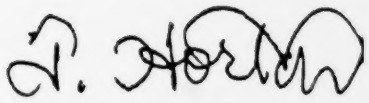
If you are not the appropriate department to respond to any part of this request, please forward that part to the appropriate department and carbon copy your transmittal letter to me.

Thank you for your assistance. I look forward to receiving your reply within five business days, as required by law.

Bennett

Dated: June 21, 2003

'Dou^a Dwight B<^



State Bar of Michigan

Michael Franck Building
306 Townsend Street
Lansing, Michigan 48933-2083
Telephone: (517) 346-6300

Email: tbyerley@maU.nuchbar.org

Thomas K. Byerley, Counsel

Professional Standards Division Director
Direct Dial: (517) 346-6328

June 26, 2003

Mr. Douglas Dwight Bennett
24689 Frontier Circle
Flat Rock, MI 48134
Re: Letter of June 21

Dear Mr. Bennett,

I have been forwarded your letter seeking certain documents from the State Bar of Michigan under the Freedom of Information Act.

The State Bar of Michigan is an agency of the Michigan Supreme Court and is therefore part of the judicial branch of government. The Michigan Freedom of Information Act, by its own terms, does not apply to the judicial branch. Therefore, the State Bar is also not subject to the

the
State Bar is also not subject to the
Freedom of Information Act.

For this reason, we will not be

supplying you with the

"information" you request.

Sincerely,

Thomas K. Byerley

APPENDIX - H -

Reproduced and reformatted, by scanning original document. Douglas Dwight Bennett has original document presented to The Michigan Supreme Court and original response by The Michigan Supreme Court.

Douglas Dwight Bennett
c/o 24689 Frontier Circle
Flat Rock, Michigan state, [48134]

FOI Coordinator
Supreme Court of the State of Michigan and/or the Michigan Supreme Court
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Law Building, 2nd Floor
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Part 1 - - - Provide a copy of the Form commonly known as Contempt - - - Unauthorized practice of law as contempt of court. Am. Jur. 2d. Contempt § 81, of § 11 as found on pages 555, 566 and 567 of American Jurisprudence Pleading and Practice Forms Annotated, State and Federal Procedure §§ 1292 - End, as required by Federal Law.

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Sub. part C. of 1 Provide a copy of the aforementioned document authorizing the action by the Supreme Court of the State of Michigan and/or the Michigan Supreme Court, and of the day the clerk of the court for the Circuit Court for the County of Wayne receive the aforementioned document as described as to Affidavit of____, First Count, Second Count, Third Count, Fourth Count and Conclusion Sworn to and subscribed before as to Am. Jur. 2d. Contempt § 81,of§ 11

as found on pages 555, 566, and 567, from the Supreme Court of the State of Michigan and/or Michigan Supreme Court, signed and under the seal of the Michigan Supreme Court.

If any of my requests are exempt from release, please send me the documents, records and information reasonably separated, and provide me with an index, itemization and detailed justification concerning the documents, records and information that you are not releasing and I ask that you justify any deletions by citing specific exemptions of the FOIA.

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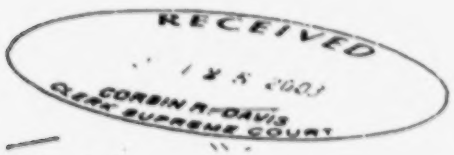
I promise to pay reasonable search and duplication fees in connection with this request. (Note: The FOIA permit some fee reduction or waivers).

If you are not the appropriate department to respond to any part of this request, please forward that part to the appropriate department and carbon copy your transmittal letter to me.

Thank you for your assistance. I look forward to receiving your reply within five business days, as required by law.

Dated: June 21, 2003

Dotfgias DwighL&nnett



Response by the Michigan Supreme Court
Office of the Clerk
Michigan Hall of Justice
P.O. Box 300052
Lansing, Michigan 48909
Phone (517) 373-0129

July 15, 2003

Mr. Douglas Dwight Bennett
c/o 24698 Frontier Circle
Flat Rock, MI 48134

Mr. Bennett:

When we spoke on June 26, and you delivered to me a copy of your freedom of information request dated June 21,

2003, you acknowledged in our conversation that my office was not the repository of the records you sought. I promised, nonetheless, to review your request and this letter results.

Your request does not identify any document maintained by my office which I am in a position to furnish to you.

Very truly yours,

[signed]
CORBIN R. DAVIS
Clerk

CRD: sir

Reproduce and reformatted of copy of Contempt of Court action. This form is submitted as actual proof of form required to charge Douglas Dwight Bennett with the UN-authorized practice of law.

The Form is used as an exhibit as evident of the form this is required to be filed, completed by the complaining State Bar of Michigan.

This exhibit in used in this manner is not to be considered as a copy right infringement. This is an for the court so that there is no doubt as to the procedure that must be taken, in this case The State Bar of Michigan vs. Douglas Dwight Bennett, not an attorney and/or a disbarred licensed attorney by the State Bar of Michigan.

No evidence of a disbarment proceeding is on record with the Michigan Supreme Court.

NOTES TO FORM

Research References

Text References

Unauthorized practice of law as contempt of court. Am. Jur. 2d, Contempt § 81

§ 11 Affidavit alleging contempt—For practicing law while suspended from right to do so

*[Caption, **see § 6**]*

AFFIDAVIT OF. . *[name]*

State of.
County of

_____ *[Name of affiant]*, being duly sworn, deposes and says

FIRST COUNT

1. *[Name of affiant] is* the _____ *[President or other official title]* of *[title of bar association]* of the State of _____, organized under he State of _____, with its principal office and place of business *[address]*, in the City of _____, _____ County, _____ *[state]*, and in whose behalf _____ *[name of affiant]* makes this affidavit.

2. _____ *[Name of alleged contemnor]* is an attorney at law [illegible] sional offices at _____ *[address]*. City of _____, _____ County, [state].

3. _____*[Name of alleged contemnor J* was suspended from the practice of law in the State of ____ as of _____ *[date]*, for _____ *[set forth grounds of suspension]*, by an order of _____ *[body issuing suspension, such as: the Supreme Court of the State of _____, filed that day in the office of the clerk of the Supreme Court]*. A copy of that order, marked Exhibit _____ *[A], is* attached and incorporated by reference. Affiant is informed and believes, and on such information and belief alleges, that _____ *[name of alleged contemnor]* had notice and knowledge of that order when _____*[he or she]* committed the acts alleged in this affidavit.

4. There is on file in the ____ *[specify court]* of the State of ____, for the County of _____, an action entitled _____, and numbered _____

5. On ____ *[date]*, while that action was pending in that court, _____ *[name of alleged contemnor]* appeared before _____ *[name of judge]*, presiding judge, as attorney for the defendant, _____*[name of defendant]*, and requested the court for an extension of time within which _____ *[name of defendant]* might file an answer to the complaint on file in the action. The request for an

BEST AVAILABLE COPY

extension of time was granted, and subsequently ____ *[name of alleged contemnor]* filed, or caused to be filed, the extension of time in which to answer with the clerk of the court, as appears from the record of that court. A copy of the court's record, marked Exhibit ———— *[B]*, is attached and incorporated by reference.

SECOND COUNT

1. Affiant incorporates under this count the allegations of Paragraphs 1 through 5 of the first count of this affidavit.

leges, that the acts of____*[name of alleged contemnorj* as alleged in this af-
fidavit constitute the practice of law and the presentation of ___*[name of alleged contemnor]* to clients and to the general' public as entitled to practice law while ____ *[he or she]* was suspended from the practice of law in this
state.

2. The acts ___ *[name of alleged contemnor]*, as shown in this affidavit, were in violation of the orders of ____ *[body issuing order, such as: the Supreme Court of the State of*____7, under ____ *[cite statutory provision]*, and were contrary to the public interest and public policy of the State of

3. The acts of____*[name of alleged contemnor]*, as shown in this affidavit, have caused damage to and loss of public confidence in the ____ *[title of bar association]* of _____ *[state]*, its members, and the entire legal profession of
the State of _____, and constitute a contempt of this court.

4. No previous application has been made for the order or relief sought in this proceeding.

Affiant requests ____ *[an order]* directing ____ *[name of alleged contemnor]* to show cause why _____ *[he or she]* should not be found in contempt of court for the actions described above, and further requests any other relief as the court may deem proper.

Dated: ____

[Signature]

Sworn to and subscribed before me at ____ on ____ *[date]*.

[Signature and tide]

[Attach exhibit(s)]

NOTES TO FORM

Research References

Text References

Unauthorized practice of law as contempt of court. Am. Jur. 2d, Contempt § 81

APPENDIX - I -

The Original Thirteenth Article of Amendment To The Constitution For The United States

"If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour, or shall without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them." [Journal of the Senate]

On March 12, 1819 the State of Virginia, with the enactment and publication of the laws of Virginia, became the 13th and FINAL state required to ratify the above article of amendment to the Constitution For The United States, thus making it the Law Of The Land. With the enactment of Act No. 280, March 12, 1819, which was Voted, En Bloc, and publication of the Revised Code, the State of Virginia notified the Department of State, the Congress, the Library of Congress, and the resident of their action by issuing to each a copy of

the Laws of Virginia. [See VA 1819 Images]

This Article of Amendment is intimately connected to questions of war and national defense. It is designed to combat internal subversion and discord sowed by people who are adhering to foreign powers without stepping across the bold Consitutional line of treason. The authors of the TONA wrote it after some additional experience with how the British Empire, as well as other European nations, actually conduct their affairs. It is a corrective and supplemental measure to go along with Constitutional treason.

This Article of Amendment added an enforceable strict penalty, i.e., inability to hold office and loss of citizenship, for violations of the already existing constitutional prohibition in Article 1, Section 9, Clause 8 on titles of nobility and other conflicts of citizenship interest, such as accepting emoluments of any kind for services or favors rendered or to be rendered, and is particularly applicable today in the 21st Century as government is increasingly FOR SALE to the highest bidder, as foreign and multinational corporations and individuals compete to line the pockets of politicians and political parties to accommodate and purchase protection or privilege, i.e. honors, for their special interests.

In terms familiar to the common man, this might quite properly be called the use of bribes and graft by individuals and powers foreign, i.e. external, to the Congress of the United States to subvert the constitutional process and suborn our political system and the interests of WE THE PEOPLE.

After appearing in numerous official publications until

1876, this Article "disappeared" from our Constitution, to be replaced by another made nearly 50 years later. You may well ask how such a thing could have happened. **So did we.**

The disappearance of the original 13th Amendment to the Constitution of the United States has been under investigation by independent modern researchers during the past nineteen years. **We've learned a lot.**

We now know that the original 13th Amendment was, and still is, the Law Of The Land.

The law is still there, waiting only to be publicly recognized and enforced once again to protect the Sovereignty and Interests of WE THE PEOPLE, and to force the elected representatives of the people to adhere strictly to their solemn and binding Oath of Office and the limitations of government imposed by the Constitution.

This site is brought to you directly by the primary researchers themselves, functioning as the TONA Research Committee. We are dedicated to continuing this research, and to placing all the facts and news on this important subject before the public.

The TONA Research Committee hopes that the hard and sometimes tedious work of the committee and the personal sacrifice of time and money involved over the past 19 years will have a positive effect for you and our nation. The excitement of finding each new hidden piece of the puzzle has made it worthwhile for us.

September, 2002 -- An exciting find has come into our hands, **"Military Laws of the United States to which is prefixed the Constitution of the United States"**, published in 1825 under the authority of the War

Department. See Military Law Book Images and the Chronology of its Publication.

Shortly thereafter, The TONA Research Committee received images from a high school principal who had located an 1818 Digest of the Territorial Laws of Missouri in the Missouri Supreme Court Library, Jefferson City, MO ... The Organic act for Missouri Territory, of June 4,1812, separating Missouri Territory from Louisiana, became effective December 7, 1812. These images with those of 1816 Massachusetts and 1818 Pennsylvania indicate that the 13th Amendment was ratified prior to 1819 ... See Missouri Law Digest Images

2003 -- A bill, House Concurrent Resolution 10, is now before the New Hampshire legislature, reaffirming New Hampshire's December 9, 1812 ratification of the TONA... See New Hampshire House Concurrent Resolution 10

February 2003 -- Rep. Marple, prime sponsor of the New Hampshire Resolution 10 above, sent the TONA Committee copies of pages from the NH Journal of the Senate, Dated June 12, 1812, that has these surprising statements on pages 48 and 49:

Page 48:

> "The following was received from His Excellency the Governor, by the Secretary.
>
> *To the Senate and House of Representatives.*
>
> I herewith communicate to the Legislature for their consideration, certain laws and resolutions passed by the Legislatures of

Georgia, North-Carolina, Tennessee, Virginia and Vermont, upon the subject of amendments of the Constitution of the United States, together with letters from the executive officers of those States.

WILLIAM PLUMER"

Page 49:

"Voted, That Messers. Kimball and Ham, with such as the House of Representatives may join, be a committee to take into consideration certain laws and resolutions passed by the Legislatures of Georgia, North-Carolina, Tennessee, **Virginia** and Vermont, and other documents accompanying the same, communicated this day by His Excellency the Governor, and report thereon. Sent down for concurrence."

Images of the New Hampshire Journal entries. Pages 48 and 49

Members of the TONA Committee have long suspected that Virginia ratified the TONA prior to the March 12, 1819 date of the publishing of the revised Laws of Virginia.

If you would like to become an associate member of our research team please send us an email. We would be pleased to welcome you as a member. And any small donations to help support this website will be gratefully accepted.

Site Navigation To Research Articles

(2)

Supreme Court, U.S.
FILED
AUG 3 0 2004
OFFICE OF THE CLERK

NO 03-1624

In The

Supreme Court of the United States

Linda-Ann: Heldt;
Special Appearance in propia persona
Petitioner
Co-petitioner United States

vs.

MICHIGAN, STATE OF MICHIGAN;
GOVERNOR; JENNIFER GRANHOLM;
MICHAEL A. COX, ATTORNEY GENERAL,
Wendy L. Potts, Julie A. Nicholson,
and The State Bar Of Michigan;
Respondents
UNITED STATES DEPARTMENT OF JUSTICE;
ATTORNEY GENERAL OF THE UNITED STATES;
JOHN ASHCROFT, United States Attorney General,
The Supreme Court of the United States
Intervenors

SUPPLEMENTAL BRIEF
for the
PETITIONER LINDA-ANN: HELDT;

Linda-Ann: Heldt;
c/o 7706 Granite;
Washington-township; Michigan state; [48094]
Petitioner
1-(586) 781-3361

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MCL 32.655 7

MCL 32.710 8

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Commentaries on the
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§1783, p. 661 (1833) 5

T. Cooley,
General Principles of
Constitutional Law 224 (1880) 5

Now comes Linda-Ann: Heldt; petitioner and moves by and through this supplemental brief pursuant Rule 15 of the Rules of the Supreme Court.

Petitioner, raises the new points in a most recent case before this court in the matter of **Hamdi v. Donald Rumsfeld Secretary of Defense No. 03-6696 decided June 28, 2004**, the lead opinion of the court was delivered by Justice O'Connor.

The opinion of the court in which the Chief Justice, Justice Kennedy, and Justice Breyer join is in support of the facts and legal issues raised by Linda-Ann: Heldt;'s; petition in her writ of certiorari that she complained of the treatment by State of Michigan Judges Wendy L. Potts, Julie A. Nicholson in her state of Michigan trial under the Military Flag of the United States of America and the Military Flag of the State of Michigan and the Military State of Michigan that was taken against her in the Military Courts of the State of Michigan; particularly that of being brought before a Military Court, being detained without a damaged party and a denial of her first choice of assistance of counsel before a Military Tribunal of the State of Michigan that is not an impartial tribunal.

Linda-Ann: Heldt; petitioner has a reliance defense on the Hamdi case that runs parallel with her cause of action for review.

The court held Hamdi's right of assistance of counsel

was violated and the fifth and fourteenth Amendment of the Constitution of the United States of America were violated and that the Bill of Rights holds the government to the action that may be taken against American Citizen on United States soil as this is the argument raised in Linda-Ann: Heldt;'s; case.

Most important is that of Justice Scalia - - Moreover, as JUSTICE SCALIA acknowledges, the Court ***in Ex parte Quirin*, 317 U.S. 1 (1942)**, dismissed the language of *Milligan* that the petitioners had suggested prevented them from being subject to military process. *Post*, at 17-18 (dissenting opinion). Clear in this rejection was a disavowal of the New York State cases cited in *Milligan*, 4 Wall., at 128-129, on which JUSTICE SCALIA relies. *See id.*, at 128-129. **Both *Smith v. Shaw*, 12 Johns *257 (N.Y. 1815), *and M'Connell v. Hampton*, 12 Johns *234 (N.Y. 1815)**, were civil suits for false imprisonment. Even accepting that these cases once could have been viewed as standing for the sweeping proposition for which JUSTICE SCALIA cites them — that the military does not have authority to try an American citizen accused of spying against his country during wartime — ***Quirin*** makes undeniably clear that this is not the law today. Haupt, like the citizens in *Smith* and *M'Connell*, was accused by being a spy. The court in *Quirin* found him "subject to trial and punishment by [a] military tribunal[ ]" for those facts, and held that his

citizenship did not change this result. **317 U.S., at 31, 27-28.** ***Quirin*** was a unanimous opinion. **It both post dates and clarifies Milligan, providing us with the most apposite precedent that we have on the questions of whether citizens may be detained in such circumstances**. Brushing aside such precedent --- particularly when doing so gives rise to a host of new questions never dealt with by this Court --- is unjustified and unwise.

The court again at 22 *Hamdi v. Rumsfeld* Opinion of O'Connor, J. --- "without due process of law," U. S. Const., Amdt. 5, is the test that we articulated ***in Mathews v. Eldridge*, 424 U. S. 319 (1976)**. See, e.g., ***Heller v. Doe*, 509 U. S. 312, 330–331 (1993)**; ***Zinermon v. Burch*, 494 U. S. 113, 127–128 (1990)**; ***United States v. Salerno*, 481 U. S. 739, 746 (1987)**; ***Schall v. Martin*, 467 U. S. 253, 274–275 (1984)**; ***Addington v. Texas*, supra, at 425**. *Mathews* dictates that the process due in any given instance is determined by weighing "the private interest that will be affected by the official action" against the Government's asserted interest, "including the function involved" and the burdens the Government would face in providing greater process. **424 U. S., at 335**. The *Mathews* calculus then contemplates a judicious balancing of these concerns, through an analysis of "the risk of an erroneous

deprivation" of the private interest if the process were reduced and the "probable value, if any, of additional or substitute safeguards." *Ibid.* We take each of these steps in turn."

"It is beyond question that substantial interests lie on both sides of the scale in this case. Hamdi's "**private interest . . .** affected by the official action," *ibid.*, is the most **elemental of liberty interests — the interest in being free from physical detention by one's own government.** ***Foucha v. Louisiana*, 504 U. S. 71, 80 (1992)** ("Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action"); see **also** ***Parham v. J. R.*, 442 U. S. 584, 600 (1979)** (noting the "substantial liberty interest in not being confined unnecessarily"). "In our society liberty is the norm," and detention without trial "is the carefully limited exception." ***Salerno, supra*, at 755.** "We have always been careful not to 'minimize **the importance and fundamental nature' of the individual's right to liberty,"** ***Foucha, supra*, at 80 (quoting *Salerno, supra*, at 750), and we will not do so today.**

The court again at 3 Scalia, J., dissenting in part - - - The gist of the Due Process Clause, as understood at the founding and since, was to force the Government to follow those common-law procedures traditionally deemed necessary

before depriving a person of life, liberty, or property. When a citizen was deprived of liberty because of alleged criminal conduct, those procedures typically required committal by a magistrate followed by indictment and trial. See, *e.g., 2 & 3 Phil. & M., c. 10 (1555); 3 J. Story, Commentaries on the Constitution of the United States §1783, p. 661 (1833)* (hereinafter Story) (equating "due process of law" with "due presentment or indictment, and being brought in to answer thereto by due process of the common law"). **The Due Process Clause "in effect affirms the right of trial according to the process and proceedings of the common law."** ***Ibid.*** **See also** ***T. Cooley, General Principles of Constitutional Law 224 (1880)*** **("When life and liberty are in question, there must in every instance be judicial proceedings; and that requirement implies an accusation, a hearing before an impartial tribunal, with proper jurisdiction, and a conviction and judgment before the punishment can be inflicted" (internal quotation marks omitted)).**

15 Scalia, J., dissenting --- *Milligan* is not exactly this case, of course, since the petitioner was threatened with death, not merely imprisonment. But the reasoning and conclusion of *Milligan* logically cover the present case. The Government justifies imprisonment of Hamdi on principles of the law of war

and admits that, absent the war, it would have no such authority. **But if the law of war cannot be applied to citizens where courts are open, then Hamdi's imprisonment without criminal trial is no less unlawful than Milligan's trial by military tribunal.**

The court 20 **Hamdi Rumsfeld**, Scalia, J., dissenting ---

[4]The plurality's assertion that *Quirin* somehow "clarifies" **Milligan, ante, at 15**, is simply false. As I discuss *supra*, at 17–19, the *Quirin* Court propounded a mistaken understanding of *Milligan*; but nonetheless its holding was limited to "the case presented by the present record," and *to "the conceded facts*," and thus avoided conflict with the earlier case. **See 317 U. S., at 45–46** (emphasis added). The plurality, ignoring this expressed limitation, thinks it "beside the point" whether belligerency is conceded or found "by some other process" (not necessarily a jury trial) "that verifies this fact with sufficient certainty." *Ante*, at 16. **But the whole point of the procedural guarantees in the Bill of Rights is to limit the methods by which the Government can determine facts that the citizen disputes and on which the citizen's liberty depends**. The plurality's claim that *Quirin's* one-paragraph discussion of *Milligan* provides a "[c]lear . . . disavowal" of two false imprisonment cases from the War of 1812, *ante*, at

15, thus defies logic; unlike the plaintiffs in those cases, Haupt was concededly a member of an enemy force.

Conclusion

Wherefore, in the people of the State of Michigan v. Linda-Ann: Heldt; **First) judges Wendy L. Potts, Julia A. Nicholson** denied me (Linda-Ann: Heldt;) right of assistance of counsel of my choice; **Second)** the State of Michigan did not weigh the interest of American Citizen Linda-Ann: Heldt; over the interest of the People of the State of Michigan; **Third)** the alleged damaged parties, the arresting officer, the complainant, Eugene Carter is not a damaged party. This action is by statute violation of a resolution signed by the Governor of the State of Michigan, that is not the law of the land, presented without the seal of the United States with a judicial clearance by the three-judge-court in the district court of the united states for the district of Columbia. See **28 U.S.C. 1738**; **Fourth)** the complainant, Eugene Carter is part of the Michigan Military Police Force is **MCL 32.503** military laws, the complainant, Eugene Carter is a Deputy Sheriff of Oakland County holding the same rank as a Military Officer in the armed forces of the United States military; **Fifth)** pursuant **MCL 32.655** the military police force is activated in case of war - - - see section 255, that is not the case. Further, this action was taken under

the coat of arms of Michigan in the 52-3 District Court and the Sixth Judicial Court of Oakland County State of Michigan. See **MCL 32.710**; **Sixth)** this court has expressed its concern of the punishment of Private Citizen under military law and this is also my concern as a private Citizen on United States Soil of this military prosecution by statute violation without a damaged party as fully argued in my writ of certiorari before this Supreme Court of the United States.

Wherefore, Petitioner, Linda-Ann: Heldt; respectfully requests the Justices of this court on consideration of my writ of certiorari consider this supplemental brief in support and the points of law and authorities raised in the **Hamdi v. Donald Rumsfeld Secretary of Defense case No. 03-6696.**

In my case, the People of the State of Michigan in error failed to present a violation of the laws and/or a violation of the Constitution of the United States of America.

Respectfully submitted,

Dated: Aug 24, 2004 Linda-Ann: Heldt;

Linda-Ann: Heldt;
an American Citizen